

RESOLUTIONS AND LEGAL NOTICES OF HEARING LISTED ON THE PRELIMINARY AGENDA ARE AVAILABLE AT THE TOWN CLERK'S OFFICE ONE DAY PRIOR TO THE TOWN BOARD MEETING.

IF YOU ATTEND THE TOWN BOARD MEETING AND WISH TO READ ANY LEGAL NOTICE OF PUBLIC HEARING OR RESOLUTION SCHEDULED, PLEASE SEE THE WHITE BINDER LOCATED ON THE TABLE TO THE RIGHT OF THE DAIS NEXT TO THE TOWN CLERK. IF YOU HAVE ANY FURTHER QUESTIONS PLEASE SEE TOWN CLERK JO-ANN RAIA.

PRELIMINARY/ADOPTED AGENDA AND ADOPTED RESOLUTIONS ARE AVAILABLE AT:
<http://town.huntington.ny.us>

PRESENT:

Supervisor	Frank P. Petrone
Councilwoman	Susan A. Berland
Councilman	Eugene Cook
Councilman	Mark A. Cuthbertson
Councilman	Mark Mayoka
Town Clerk	Jo-Ann Raia
Town Attorney	John J. Leo

AGENDA FOR TOWN BOARD MEETING DATED JANUARY 10, 2012

BOARD OF TRUSTEES' MEETING FOLLOWING

Opened: 8:12 P.M. Recessed: 8:15 P.M. Resumed: 9:31 A.M. Closed: 9:32 P.M.

7:00P.M. – TOWN HALL

Opened: 7:10 P.M. Recessed: 8:12 P.M. Resumed: 8:15 P.M. Closed: 9:31 P.M.

(Resolutions #2012-1 to 2012-43)

HEARINGS:

ACTION

HEARING RESCHEDULED FROM NOVEMBER 9, 2011

1. Consider issuing a Certificate of Approval in an Historic District
Re: 35 Spring Street, Cold Spring Harbor - Cold Spring Harbor Historic
District. (**Applicant: Marceline Van Cott**)
(SCTM #0400-063.00-02.00-008.000)
(2011-ZC-6-Ch. 198)

DECISION RESERVED

HEARING RESCHEDULED FROM NOVEMBER 9, 2011

2. Consider issuing a Certificate of Approval for an individually designated
Historic Site. Re: 117 West Shore Road, Huntington - The Daniel Smith
House. (**Applicant: John/Catherine Collins**)
(SCTM #0400-026.00-02.00-059.003)
(2011-ZC-8-Ch. 198)

DECISION RESERVED

3. Consider issuing a Certificate of Approval in an Historic District Re:
114 Prime Avenue, Huntington - Mill Lane Historic District.
(**Applicant: Seamus Coyle**) (SCTM #0400-071.00-02.00-083.000)
(2011-ZC-10-Ch. 198)

DECISION RESERVED

HEARINGS (Continued):

4. Consider authorizing the Supervisor to enter into a license agreement with Meals on Wheels of Huntington.
(2011-M-38)

5. Consider adopting Local Law Introductory No. 36-2011, amending the Code of the Town of Huntington, Chapter 6 (Audit and Control, Department of) so as to add to section 6-2 (Establishment) Subdivision B (Division of Purchasing) a new subsection 4 (Local Preference).
(Local Law Introductory No. 36-2011)

6. Consider awarding a license agreement to operate a restaurant and snack bar at Crab Meadow Beach, Northport, New York.
(Re: La Casa Café, Inc.)
(2011-M-37)

ACTION

ENACTMENT
RESOLUTION # 2012-38

DECISION RESERVED

ENACTMENT
RESOLUTION # 2012-32

BOARD OF TRUSTEES' HEARINGS:

1. Consider the issuance of a Special Use Permit pursuant to the Marine Conservation Law, Town Code Chapter 137.

Applicant: Barbara Raisch on behalf of Eaton Harbors Corp.

Location: South end of Beach Rd., Eaton's Neck, NY 11768

SCTM #0400-005.00-05.00-001.000

(2011-BT-28-Ch. 137)

2. Consider the issuance of a Special Use Permit under Chapter 137 (Marine Conservation).

Applicant: En-Consultants Inc.

Location: 29 Bluff Point Rd., Northport, NY

SCTM #0404-003.00-01.00-009.000

Re: Kimberly A. Willen (Rev. Trust)

(2011-BT-29-Ch. 137)

HEARING TO BE
RESCHEDULED AS PER
RESOLUTION # 2012-BT-1

DECISION RESERVED

**AGENDA FOR TOWN BOARD
MEETING DATED: JANUARY 10, 2012**

RESOLUTIONS:

OFF. SEC. VOTE

ABBREVIATIONS FOR PURPOSE OF AGENDA:

Supervisor Frank P. Petrone	-	FP
Councilwoman Susan A. Berland	-	SB
Councilman Eugene Cook	-	EC
Councilman Mark A. Cuthbertson	-	MC
Councilman Mark Mayoka	-	MM

***Resolution 2012-43 was offered prior to Resolution # 2012-19**

- | | | |
|----------------|--|--|
| 2012-1. | <p>ADOPT various actions of the Town Board for the Year 2012 and authorizing the Comptroller to amend the 2012 Operating Budget for the Town of Huntington and its special districts – various departments. (Re: designate the following institutions as bank depositories: Bank of Smithtown, Bank of America, Capital One Bank, JP Morgan Chase Bank, Citibank, N.A., First National Bank of Long Island, HSBC Bank, M & T Bank, New York Commercial Bank, State Bank of Long Island, Suffolk County National Bank, TD Bank, Wachovia Bank, NA, Flushing Commercial Bank and Herald National Bank; Approves the membership of the Huntington Community Development Agency as follows: Supervisor Frank Petrone, Councilwoman Susan A. Berland, Councilman Eugene Cook, Councilman Mark A. Cuthbertson and Councilman Mark Mayoka; Designates Susan Berland as Principal and Eugene Cook as alternate to cast votes for the Town of Huntington at the Annual Meeting of the Association of Towns in February; Appoints Paul Mandelik as Chairman, Jane R. Devine as Vice-Chairman, and James Rogers as a member of the Town of Huntington Planning Board; Appoints Christopher Modelewski as Chairman and Scott M. Frayler, as Vice-Chairman of the Town of Huntington Zoning Board of Appeals; Appoints Jo-Ann Raia, Town Clerk, as Registrar of Vital Statistics and Marriage Officer for the Town of Huntington; Appoints Lori E. Finger, Director of Purchasing with the purchasing responsibility for the Town of Huntington; Appoints New York Municipal Advisors Corporation as Fiscal Advisors for bonding issues; Appoints Nixon Peabody, LLP and Hawkins, Delafield & Wood and Harris Beach PLLC and as bond counsel for bonding issues, Designates the Observer and the Long Islander as the Official Newspapers)</p> | <p><u>FP</u> <u>SB</u> <u>5</u></p> |
| 2012-2. | <p>AUTHORIZE the Supervisor to apply for and receive funding from the United States Conference of Mayors DollarWISE Summer Youth Campaign Grant Program for 2012 for the Huntington Youth Bureau's Project Excel Program, nunc pro tunc and to execute an agreement with the Huntington Youth Bureau Youth Development Research to expend such funds.</p> | <p>FP
<u>MM</u> <u>SB</u> <u>5</u></p> |
| 2012-3. | <p>AUTHORIZE the Supervisor to execute an agreement between the Town of Huntington and the Huntington Human Services Institute, Inc. for the purpose of implementing the 2012 Black History and Hispanic Heritage Programs. (Period: 1/1/2012 – 12/31/2012)</p> | <p><u>MM</u> <u>SB</u> <u>5</u></p> |

**AGENDA FOR TOWN BOARD
MEETING DATED: JANUARY 10, 2012**

RESOLUTIONS:

OFF. SEC. VOTE

2012-4.	AUTHORIZE the Supervisor to execute agreements on behalf of the Division of Cultural Affairs for the year 2012. (Re: Huntington Arts Council, Heckscher Museum of Art, Whaling Museum Society, Inc., Huntington Historical Society, Northport Historical Society, Greenlawn/Centerport Historical Association, Inc., Walt Whitman Birthplace Association, Inc., Huntington Lighthouse Preservation Society and Cinema Arts Centre)	<u>FP</u> <u>SB</u>	<u>MM</u>	3-AYES 1-NO (MC) 1-ABST <u>(EC)</u>
2012-5.	AUTHORIZE the Supervisor to execute an agreement with the Town of Huntington Economic Development Corporation. (Period: 1/1/2012 – 12/31/2012)	<u>FP</u>	<u>MM</u> <u>SB</u>	<u>5</u>
2012-6.	AUTHORIZE the Supervisor to submit an application for an Entitlement Grant of Community Development Block Grant Funds under the Housing and Community Development Act of 1974 and authorizing all assurances connected with said application.	<u>FP</u>	<u>SB</u>	<u>5</u>
2012-7.	AUTHORIZE the Supervisor to execute a license agreement and aquatics permit with Vicobe Productions for the use of Crab Meadow Beach for a sprint triathlon and youth event on September 22 and 23, 2012. (Re: Northeast portion of parking lot and pavilion of Crab Meadow Beach for a youth race event on 9/22/2012 from 9:00 am – 6:00 pm and a sprint triathlon from 4:00 am – 12:00 pm on 9/23/2012)	<u>MM</u> <u>SB</u>	<u>FP</u>	<u>5</u>
2012-8.	AUTHORIZE the Supervisor to execute an agreement with Greenman-Pedersen, Inc., as consulting engineers, for the development, technical support and ongoing enhancements for a computer application permitting advanced Geographic Information System (GIS) data to be accessible as a professional subscription service. (Period: One year)	<u>SB</u>	<u>MC</u>	<u>5</u>
2012-9.	AUTHORIZE the Supervisor to execute an extension to the requirements contract for overhead and rollup door repairs and service with Superior Overhead Door, Inc. (Period: One year commencing 3/9/2012)	<u>SB</u>	<u>MM</u>	<u>5</u>
2012-10.	AUTHORIZE the Supervisor to execute an extension to the requirements contract for the town wide alarm system repair, installation, service and central station monitoring with General Security, Inc.	<u>MM</u>	<u>SB</u>	<u>5</u>
2012-11.	AUTHORIZE the Supervisor to execute an amendment to the contract for supplying, installing, and maintaining a Building Management System (BMS) in the Town of Huntington, New York with Control Solutions Group, Inc. (Period: Eight months)	<u>SB</u>	<u>FP</u>	<u>5</u>
2012-12.	AUTHORIZE the Supervisor to execute an agreement for the provision of consulting services for Town and Board of Trustees property and contract/franchise matters. (Re: Robert G. Fonti)	<u>FP</u>	<u>SB</u>	3-AYES 2-ABST (EC) <u>(MM)</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: JANUARY 10, 2012**

RESOLUTIONS:

OFF. SEC. VOTE

2012-13.	AUTHORIZE the Supervisor to execute a Notice of Assignment Agreement, assigning the lease with Key Government Finance, Inc. to First Niagra Leasing, Inc.	<u>SB</u>	<u>MC</u>	<u>5</u>
2012-14.	AUTHORIZE the execution of an agreement with the Huntington Community First Aid Squad, Inc., for emergency medical and ambulance services to the Huntington Community Ambulance District. (Period: 1/1/2012 – 12/31/2012)	<u>FP</u> <u>MM</u>	<u>SB</u>	<u>5</u>
2012-15.	AUTHORIZE the execution of an agreement with the Commack Volunteer Ambulance Corporation for emergency medical and ambulance services to the Commack Ambulance District. (Period: 1/1/2012 – 12/31/2012)	<u>FP</u>	<u>EC</u> <u>SB</u>	<u>5</u>
2012-16.	AUTHORIZE the execution of an extension to the requirements contract for repair and/or replacement of manhole frames and covers on New York State roadways, within the Huntington Sewer District, with Bancker Construction Corp. (Period: One year commencing 3/8/2012)	<u>SB</u>	<u>FP</u>	<u>5</u>
2012-17.	AUTHORIZE the execution of an agreement with Holzmacher, McLendon & Murrell, P.C. for 2012 annual retainer services for the Dix Hills Water District.	<u>SB</u>	<u>EC</u> <u>MM</u>	<u>5</u>
2012-18.	AUTHORIZE the execution of an agreement with H2M Labs, Inc. for the provision of 2012 annual laboratory services for the Dix Hills Water District.	<u>SB</u>	<u>MC</u>	<u>5</u>
*2012-19.	AUTHORIZE the continued retention of outside counsel (Ellen Schaffer, Esq.)	<u>WITHDRAWN BY COUNCILWOMAN BERLAND</u>		
2012-20.	AUTHORIZE the execution of an agreement to spend Town Highway Funds for calendar year 2012.	<u>MC</u>	<u>EC</u>	<u>5</u>
2012-21.	AUTHORIZE the Supervisor to enter into an Intermunicipal Agreement with the South Huntington Union Free School District. (Re: Gasoline and diesel fuel)	<u>SB</u>	<u>MM</u>	<u>5</u>
2012-22.	AUTHORIZE the Comptroller to amend the 2012 Operating Budget and appropriate fund balance for the Town of Huntington and its special districts – Cultural Affairs (Public Art Initiative).	<u>FP</u> <u>SB</u>	<u>MC</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: JANUARY 10, 2012**

RESOLUTIONS:

OFF. SEC. VOTE

2012-23.	AUTHORIZE the correction of Code Violations at various locations pursuant to the Code of the Town of Huntington and/or the Uniform Codes of the State of New York. (Re: Junior/Zelda Brown, 88 8 th Avenue, Huntington Station, SCTM# 0400-143.00-02.00-009.000, Chapters 87, 133, 191; Angelo Giumento/John Hanna, 11 Pearsall Place, Huntington, SCTM# 0400-096.00-03.00-028.000, Chapter 119; New York Equity Note, LLC, 69 East 11 th Street, Huntington Station, SCTM# 0400-146.00-01.00-034.000, Chapters 133, 156; Gary Robinson, 1 Gateway Place, Dix Hills, SCTM# 0400-262.00-03.00-019.000, Chapter 133; Iris Cervantes, 2 Pine Hill Court, Northport, SCTM# 0400-081.00-08.00-016.000, Chapter 133; Heath Greenidge, 37 Evergreen Avenue, Huntington Station, SCTM# 0400-200.00-03.00-105.000, Chapter 156)	<u>SB</u>	<u>EC</u>	<u>5</u>
2012-24.	REAPPOINT members to the Town of Huntington Citizens Advisory Committee for persons with disabilities. (Re: Thomas Mangan)	<u>FP</u>	<u>SB</u>	
		<u>EC</u>	<u>MM</u>	<u>5</u>
2012-25.	RESCIND Resolution 2011-539 and authorizing the Supervisor to execute agreements for the provision of various youth services on behalf of the Youth Bureau for the year 2012. (Re: Tri Community and Youth Agency, Inc. (Region I), Youth Directions and Alternatives, Community Youth Agency, Inc (Region II), Regional Enrichment Agency of Commack and Half Hollow Hills, Community and Youth Agency, Inc. (Region III), Family Service League of Suffolk County, Inc., Long Island Crisis Center, Inc., C.A.S.T. Program Tri-Community and Youth Agency, Inc. (Region I), Huntington Youth Bureau Youth Development Research Institute, Inc. (Non drug related and Drug related)	<u>FP</u>	<u>SB</u>	RESOLUTION DEFEATED 2-AYES (FP) (SB) 2-NOES (MM) (MC) 1-ABST <u>(EC)</u>
2012-26.	RESCIND Resolution 2011-540 and authorizing the Supervisor to execute agreements on behalf of the Department of Human Services for the Year 2012. (Re: Child Care Council of Suffolk, Inc., Family Service League, Inc., Federation of Organizations, Inc., Huntington Breast Cancer Action Coalition, Inc., Literacy Suffolk, Inc. and Pederson-Krag Center, Inc.)	<u>SB</u>	<u>FP</u>	RESOLUTION DEFEATED 2-AYES (FP) (SB) 2-NOES (MM) (MC) 1-ABST <u>(EC)</u>
2012-27.	ENACTMENT: AMEND the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II, §2-3, Schedule C. Re: Fifth Avenue, East Northport, Driveway – Prohibited Turns.	<u>SB</u>	<u>MC</u>	<u>5</u>
2012-28.	ENACTMENT: ADOPT Local Law Introductory Number 32-2011 amending the Code of the Town of Huntington, Chapter 164 (Sewer Use Management), Article II (Disposal Regulations).	<u>FP</u>	<u>EC</u>	<u>5</u>
2012-29.	ENACTMENT: ADOPT Local Law Introductory Number 33-2011			3-AYES

**AGENDA FOR TOWN BOARD
MEETING DATED: JANUARY 10, 2012**

RESOLUTIONS:

		OFF.	SEC.	VOTE
	amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article IV (Commercial Districts), Section 198-22 (C-1 Office-Residence District).	<u>FP</u>	<u>EC</u>	2-NOES (SB) (MM)
2012-30.	ENACTMENT: ADOPT Local Law Introductory Number 30-2011 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article VI (Historic Landmarks and Districts), §198-42 (Designation of Sites and Buildings), to designate as an Historic Landmark the building and property known as the Old Half Hollow Schoolhouse, 5 Seaman Neck Road, Dix Hills. (SCTM# 0400-275-02-143)	<u>SB</u>	<u>EC</u>	<u>5</u>
2012-31.	ENACTMENT: ADOPT Local Law Introductory Number 34-2011, amending Town Board Resolution No. 1994-260 so as to revoke all of the Covenants and Restrictions previously recorded as part of the Zone Change Application #93-ZM-268 of West Neck Associates, LLC, and reestablishing covenants and restrictions for property located on the northwest corner of West Neck Road and Nathan Hale Drive, Huntington, S.C.T.M. #0400-070-01-021. (Applicant: West Neck Associates, LLC)	RESOLUTION WITHDRAWN BY SUPERVISOR PETRONE		
2012-32.	ENACTMENT: GRANT a license agreement to operate a restaurant and snack bar at Crab Meadow Beach, Northport, New York to La Casa Café, Inc. (Period: Ten years)	<u>FP</u> <u>SB</u>	<u>MC</u> <u>MM</u>	<u>5</u>
2012-33.	SCHEDULE A PUBLIC HEARING: February 6, 2012 at 7:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II, §2-3, Schedule C. Re: Ruland Road, Melville – Prohibited Turns.	<u>SB</u>	<u>EC</u>	<u>5</u>
2012-34.	SCHEDULE A PUBLIC HEARING: February 6, 2012 at 7:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 2, Article II, §2-3, Schedule C. Re: Holdsworth Drive, Huntington – Prohibited Turns.	<u>MC</u>	<u>MM</u> <u>FP</u>	<u>5</u>
2012-35.	SCHEDULE A PUBLIC HEARING: February 6, 2012 at 7:00 PM To consider amending the Uniform Traffic Code of the Town of Huntington, Chapter 3, Article II, §3-3, Schedule J. Re: Sweet Hollow Road, Melville – Parking Restrictions.	<u>SB</u>	<u>MC</u>	<u>5</u>
2012-36.	SCHEDULE A PUBLIC HEARING: February 6, 2012 at 7:00 PM To consider acquiring East Northport property (Barta). (Re: 250 Clay Pitts Road, East Northport) (SCTM# 0400-175-03-084.001)	<u>MC</u>	<u>FP</u>	<u>5</u>

**AGENDA FOR TOWN BOARD
MEETING DATED: JANUARY 10, 2012**

RESOLUTIONS:

OFF. SEC. VOTE

- | | | | | |
|-----------------|---|--------------------------------------|------------------|-----------------|
| 2012-37. | SCHEDULE A PUBLIC HEARING: February 6, 2012 at 7:00 PM
To consider adopting Local Law Introductory No. 1 – 2012 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XX (Accessory Apartments). | <u>MC</u> | <u>FP</u> | <u>5</u> |
| 2012-38. | ENACTMENT: APPROVE a license agreement with Meals on Wheels of Huntington to use office space at the John J. Flanagan Center, located at 423 Park Avenue, Huntington, New York 11743. (Period: Commencing on the date of execution and expiring 12/31/2016) | <u>FP</u>
<u>MM</u> | <u>SB</u> | <u>5</u> |
| 2012-39. | AMEND Town Board Resolution 2011-521 scheduling regular meetings of the Town Board of the Town of Huntington for the Year 2012.
(Change February 15, 2012 meeting to February 6, 2012 at 7:00 PM) | <u>MM</u> | <u>FP</u> | <u>5</u> |
| 2012-40. | APPROVE the Water Supply Agreement of Greenlawn Water District for the installation of water mains in filed map known as Brown Meadows.
(Re: BAB Realty) | <u>MC</u> | <u>FP</u> | <u>5</u> |
| 2012-41. | RESCHEDULE A PUBLIC HEARING: March 13, 2012 at 7:00 PM
To consider adopting Local Law Introductory Number 2-2012 amending Local Law No. 37-2006 so as to revoke all of the covenants and restrictions previously recorded against properties bearing SCTM# 0400-027-02-(012.001, 012.002, 012.003, 012.004 & 012.005) as part of Zone Change Application #2006-ZM-362 of DML Properties, LLC, and reestablishing covenants and restrictions for properties located on the southwest corner of New York Avenue (Route 110) and Hill Place and the east side of Creek Road, Huntington, bearing SCTM # 0400-027-02-012.002 & 012.003. | <u>FP</u> | <u>MM</u> | <u>5</u> |
| 2012-42. | ACCEPT the donation of the restoration of the Supervisor's Chain of Office by Libutti Diamond Jewelers of Huntington. | <u>FP</u> | <u>MM</u> | <u>5</u> |
| 2012-43. | AUTHORIZE the extension/retention of outside Legal Counsel (J. Stewart Moore, P.C. and Ellen Schaffer, Esq.). | <u>MC</u> | <u>FP</u> | <u>5</u> |

**AGENDA FOR BOARD OF TRUSTEES'
MEETING DATED: JANUARY 10, 2012**

RESOLUTIONS:	OFF.	SEC.	VOTE
2012-BT1. RESCHEDULE A PUBLIC HEARING: February 6, 2012 at 7:00 PM To consider the issuance of a Special Use Permit under Chapter 137 (Marine Conservation) Applicant: Barbara Raisch on behalf of Eaton Harbors Corp. Location: South end of Beach Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. #0400-005.00-05.00-001.000.	<u>SB</u>	<u>EC</u>	<u>5</u>
2012-BT2. ENACTMENT: APPROVE the issuance of a Special Use Permit under Chapter 137 (Marine Conservation) Applicant: Donna Myers Location: 32 Hawkins Dr., Northport S.C.T. M. #0404-001.00-01.00-012.000 (Applicant: Donna Myers on behalf of Shore Solutions) (Property Owner: Randall/Antoinette Lico)	<u>SB</u>	<u>EC</u>	<u>5</u>

AGENDA FOR COMMUNITY DEVELOPMENT AGENCY
MEETING DATED: JANUARY 10, 2012

RESOLUTIONS:

OFF. SEC. VOTE

2011-CD .

INFORMATIONAL SHEET FOR TOWN BOARD MEETING

DATED: JANUARY 10, 2012

COMMUNICATION

ACTION

1. Letters received Certified Mail – Applying for Liquor Licenses:
From: Samuel Weiss for Anthony's Coal Fired Pizza of Commack; From: Saharn Zour for Zaro's Cafe; From: Peter Giannitsas for New Dix Hills Diner; From Gonzalo Moreno for Panama Hatties; From: Michelle Baldi for Michelle Baldi/Corp to be formed; From: Pat Morello for Pat Morello/or Corp. to be formed;
Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
2. Letters received Certified Mail – Renewal for Liquor Licenses
From: Thomas J. Wilson for J.T. Carrington's; From: Lisa Bitetto for Buffalo Grill; From Chanvit Khanthong for Bonbori Restaurant; From: Theotokis Goussis for Skorpis Restaurant; From: Hyun Chung for Osaka Sushi; From: Michele Spinelli for Spinelli's Pizza & Restaurant; From: Steve Soulellis for Mediterranean Snack Bar, Inc.
Supervisor
Town Board
Town Attorney
Public Safety
Fire Inspector
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
3. Letter received from Vincent Puleo, Town Clerk of Smithtown, advising of a Public Hearing to be held on January 19, 2012 at 7:00 PM regarding Chapter 322 Zoning Code as it relates to Site Plan Review.
Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
4. Letter received from Lynn Pincomb, Village Administrator for Huntington Bay, advising of a Planning Board Public Hearing to be held on December 13, 2011 at 7:30 PM at Village Hall regarding property located at 146 East Shore Road – planned kitchen addition.
Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
5. Certified copy of Certificate of Canvass received from the Melville Fire District, James Coschignano, Jr. was elected to the Office of Fire Commissioner for a term of five years.
Supervisor
Town Board
Town Attorney
cc: Fire Inspector
6. Notification received from James Logan, Secretary to the Board of Commissioners of the Greenlawn Water District, advising that William Wieck was elected to the Office of Water Commissioner for a term of three years.
Supervisor
Town Board
cc: Town Attorney
7. Notification received from the ballot clerks and election inspectors for the South Huntington Water District, advising that Ciro DePalo was elected to the Office of Water Commissioner.
Supervisor
Town Board
cc: Town Attorney
8. Certification, Certificate of Secretary, affidavit, Oath of Inspection of Election and letter from the Commissioner received advising that Brian Gorman was elected Fire Commissioner for Eaton's Neck for a term of five years.
Supervisor
Town Board
cc: Town Attorney
9. Letter received from Nancy McFadzen, Secretary for the Commack Fire District, advising that Jeremiah O'Sullivan was elected Fire Commissioner for a term of five years.
Supervisor
Town Board
cc: Town Attorney

10. Letter received from Joyce Logan, Secretary-Deputy Treasurer of the Huntington Fire District, advising that Thomas Collins was elected Fire Commissioner for a five year term and the results of Proposition #1 was 27 yes and 11 no. Also included was a Certificate of the Fire District Secretary.
Supervisor
Town Board
cc: Town Attorney
11. Letter received from Robert Herley III, Election Committee Chairman for the Huntington Manor Fire District advising that Raymond Spatafora was elected Fire Commissioner for a five year term. Also included was an Oath of Inspectors of Election.
Supervisor
Town Board
cc: Town Attorney
12. Letter received from Karen Herbert, Secretary for the Cold Spring Harbor Fire District advising that John Parker was elected Fire Commissioner for a term of five years. Also included was an Official Ballot and Certificate from the Secretary.
Supervisor
Town Board
cc: Town Attorney
13. Letter received from Todd Cohen, District Secretary for Dix Hills Fire District, advising that Robert Commisso was elected as Fire Commissioner for a term of five years.
Supervisor
Town Board
cc: Town Attorney
14. Letter received from Bonnie Sammis, District Secretary/Treasurer, for Halesite Fire District, advising that Vincent Capobianco was elected as Fire Commissioner for a term of five years. Certificate of Canvass was included.
Supervisor
Town Board
cc: Town Attorney
15. Letter received from Louise Caputo, Secretary/Treasurer of the Greenlawn Fire District, advising that Douglas Tewksbury was elected Fire Commissioner for a five year term and Francis DeMayo was elected Fire Commissioner for a two year term. Also included were Certificate of Secretary, Oath of Inspectors, and Certificate of Canvass.
Supervisor
Town Board
cc: Town Attorney
16. Letter received from Patricia Hawkins, Chairman of the Election for East Northport Fire District, advising Wayne Kaifler, Sr. was elected Fire Commissioner for a term of five years. Certificate of Canvass and certification of Secretary included.
Supervisor
Town Board
cc: Town Attorney
17. Email received from Alicia Howard, Legislative Assistant for the Suffolk County Clerk's Office, regarding Resolutions adopted on 11-22-2011 as follows: 873/874-2011- readjust, compromise, and grant refunds and charge-backs on real property correction of errors by County Legislature; 942-2011- Sale of county-owned real estate pursuant to Local Law No. 13-1976 James S. Canty Jr. and Diane Canty his wife; 876-2011- making a SEQRA determination in connection with the proposed rehabilitation of CR 35 Mill Dam Road bulkhead and shoreline improvements, CP 5375, Town of Huntington; 895-2011- authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local law no. 24-2007 (Williams Property, Cold Spring Harbor) Town of Huntington; regarding Resolutions adopted December 6, 2011 as follows: Resolution 995-2011 authorizing Capital Project 6418.310 to Close; Resolution No. 1059-2011 levying Unpaid Water Rents; Resolution No. 1060-2011 Implementing Budget , Staff and Taxes for the Fiscal Year 2012 (discretionary); Resolution No. 1061-2011 Implementing Budget, Staff and Taxes for the Fiscal Year 2012 (mandated); Resolution No. 1062-2011 Authorizing tax warrants be signed by presiding officer and clerk of County Legislature and that they be annexed to the Tax Rolls for collection of taxes.
Supervisor
Town Board
Town Attorney
Engineering Services
Comptroller
cc: Planning & Environment

18. Letter hand delivered by David Blachly regarding Old Half Hollow Schoolhouse. He would like this building moved to another piece of property that he is owner of. He would like it to be declared historical after it is moved to this location.
- Supervisor
Town Board
Town Attorney
Historian
Engineering Services
cc: Planning & Environment
19. Letter received from Joan Gibbs regarding traffic on Nathan Hale Drive. She is opposed to proceeding with project and feels West Neck and Nathan Hale are already constantly in gridlock.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
20. Letter and Petition delivered by priority mail received from Bruce Ettenberg, President of Commack Community Association regarding the Marion Carll Farm in Commack.
- Supervisor
Town Board
Town Attorney
cc: Historian
21. Letter received from Dr. Thomas L. Rogers, District Superintendent of Schools, regarding the school boundaries of the Cold Spring Harbor Central School District. Included was a copy of the determination and order and actual maps of the school district boundaries.
- Supervisor
Town Board
Town Attorney
cc: Comptroller
22. Email received from Alicia Howard, Legislative Aide for Suffolk County, regarding resolution number 975-2011 which was passed at the December meeting, authorizing the sale, pursuant to Local law No. 16-1976, of real property aquired under section 46 of the Suffolk County Tax Act Estate of Georgia Hansen, by Cindy Hansen Gullo Executrix.
- Supervisor
Town Board
cc: Town Attorney
23. Email received from Tom Welsh, Cold Spring Harbor resident regarding traffic conditions Oheka Castle proposed development plan will cause
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
24. Letter received from Andrew Freleng, Chief Planner for Suffolk County Regarding the Town of Huntington resolution number 2011-583, the the Commission has decided these resolutions are a matter of local determination, which should not be construed as either an approval or disapproval.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
25. Public Notice received from Richard Marino, Chairman of the Village of Laurel Hollow Board of Zoning Appeals, regarding various hearings to be held on January 10, 2012 at 7:30 pm in Village Hall.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
26. Certified copy of Certificate of Canvass received from the Centerport Fire District, Peter S. Gunther was elected to the Office of Fire Commissioner for a term of five years.
- Supervisor
Town Board
Town Attorney
cc: Fire Inspector

27. Letter received from Lynn Pincomb, Village Administrator for Huntington Bay, advising of a Planning Board Public Hearing to be held on January 9, 2012 at 7:30 PM at Village Hall regarding property located at 21 Bay Road planned complete construction of deck done without benefit of permit & pave w/blacktop stone driveway.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
28. Letter received from Lynn Pincomb, Village Administrator for Huntington Bay, advising of a Planning Board Public Hearing to be held on January 9, 2012 at 7:30 PM at Village Hall regarding property located at Crescent Beach Drive – planned construction a new dwelling, hearing continued from 11/14/11.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
29. Letter received from Lynn Pincomb, Village Administrator for Huntington Bay, advising of a Planning Board Public Hearing to be held on January 9, 2012 at 7:30 PM at Village Hall regarding property located at 24 Bay Crest planned demolish existing house and construct a new dwelling, pool, patio & driveway and legalize existing block walls & steps.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
30. Letter received by Certified Mail – Corporate Change for Liquor License:
From: Margareta Grewenig for PG Steakhouse.
- Supervisor
Town Board
Town Attorney
Fire Inspector
Public Safety
Engineering Services
Planning & Environment
cc: Sewage Treatment Facility
31. Letter received by hand delivery from Inez G. Perlin, resident, requesting an extension from the Assessor.
- Supervisor
Town Board
Town Attorney
Town Assessor
cc: Board of Assessment
32. Letter received from the Association of Towns regarding the 2012 Training School and Annual Meeting will be held at the Hilton New York & Tower, New York City, from February 19 - 22, 2012.
- Supervisor
Town Board
Town Attorney
Comptroller
Engineering Services
Assessor
Receiver of Taxes
Highway
Traffic & Transportation
cc: Planning & Environment

33. Letter received from Susan Racine, Secretary/Treasurer for the East Northport Fire District advising the dates of all meetings for the year 2012.
- Supervisor
Town Board
Town Attorney
cc: Fire Prevention
34. Letter received from Vincent Puleo, Town Clerk of Smithtown, advising of a Public Hearing to be held on February 23, 2012 at 7:00 PM regarding Resolution #2011-07 Hess Corporation - Change of Zone from WSI, PB & R-15 to NB.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
35. Letter received from Andrew Freleng, Chief Planner for the Suffolk County Department of Planning, regarding Town of Huntington resolution number 2011-BT29. The commission advised that it is a matter of local determination which should not be construed as either an approval or disapproval.
- Supervisor
Town Board
Town Attorney
Engineering Services
cc: Planning & Environment
36. Letter received from Byron Alford, P.E., of the New York State Department of Transportation, advising that Route 110, from Prime Avenue to Youngs Hill Road, which is being reconstructed, is designated as a Restricted Highway until July 30, 2013.
- Supervisor
Town Board
Town Attorney
Engineering Services
Planning & Environment
cc: Traffic & Transportation

2012-1

RESOLUTION ADOPTING VARIOUS ACTIONS OF THE TOWN BOARD FOR
THE YEAR 2012 AND AUTHORIZING THE COMPTROLLER TO AMEND THE
2012 OPERATING BUDGET FOR THE TOWN OF HUNTINGTON AND ITS
SPECIAL DISTRICTS – VARIOUS DEPARTMENTS

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: Councilwoman Berland

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to pay 2011/2012 Town of Huntington Taxes on Town-owned property in the amount not to exceed the budgeted amount of TWENTY-FIVE THOUSAND AND NO/100 (\$25,000.00) DOLLARS to be charged to Operating Budget Item A1950-4170; and

HEREBY DESIGNATES the following institutions as bank depositories for the calendar year 2011: Bank of Smithtown, Bank of America, Capital One Bank, JP Morgan Chase Bank, Citibank, N.A., First National Bank of Long Island, HSBC Bank, M & T Bank, New York Commercial Bank, State Bank of Long Island, Suffolk County National Bank, TD Bank, Wachovia Bank, NA; Flushing Commercial Bank; Herald National Bank, and

HEREBY AUTHORIZES the Supervisor and Comptroller to sign checks by use of a facsimile signature machine; and

HEREBY DELEGATES the power to authorize attendance by employees at conferences, conventions and schools in accordance with the provisions of Section 77-B of General Municipal Law, to the Supervisor, effective up to and including December 31, 2012; and

HEREBY APPROVES the membership of the Huntington Community Development Agency, effective January 1, 2012, to be as follows: Supervisor Frank P. Petrone-2 years (balance), Councilwoman Susan A. Berland- 4 year (balance), Councilman Eugene Cook – 4 year (balance); Councilman Mark A. Cuthbertson-2 years (balance); and Councilman Mark Mayoka-2 years (balance); and

HEREBY DESIGNATES, pursuant to the provision of Section 6, Article III of the Constitution and By-Laws of the Association of Towns, Susan A. Berland, Councilwoman as Principal, and Eugene Cook, Councilman, as Alternate, to cast the vote of the Town of Huntington at the 2012 Annual Meeting of the Association of Towns in February; and

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HEREBY APPOINTS Paul Mandelik, 35 Gull Hill Drive, Northport, New York 11768 as Chairman and Jane R. Devine, 145 Nassau Road, Huntington, New York 11743, Vice-Chairman of the Town of Huntington Planning Board, effective January 1, 2012 through December 31, 2012, and as Planning Board member from January 1, 2012 through December 31, 2019; and

HEREBY APPOINTS Christopher Modelewski, 18 Mar Kan Drive, Northport, New York 11768, as Chairman and Scott M. Frayler, 19 Central Street, Greenlawn, New York 11740, as Vice-Chairman of the Town of Huntington Zoning Board of Appeals, effective January 1, 2012 through December 31, 2012, and James Rogers, 416 3rd Street, East Northport, New York 11731, as Zoning Board of Appeals member from January 1, 2012 through December 31, 2019; and

HEREBY APPOINTS, pursuant to Public Health Law §4121, Jo-Ann Raia, Town Clerk, as Registrar of Vital Statistics for the Town of Huntington for a term beginning January 1, 2012 and ending December 31, 2015; and

HEREBY APPOINTS, pursuant to Domestic Relations Law §11-C, Jo-Ann Raia, Town Clerk, as Marriage Officer for the Town of Huntington for a term beginning January 1, 2012 and ending December 31, 2013; and

HEREBY APPOINTS, pursuant to General Municipal Law 104-b(2)(f) effective January 1, 2009, which specifies that municipalities must identify the individual responsible for purchasing on behalf of the Town, Lori E. Finger, Director of Purchasing with the purchasing responsibility for the Town; and

HEREBY APPOINTS New York Municipal Advisors Corporation, 50 Jackson Avenue, Syosset, New York 11791, as Fiscal Advisors for bonding issues; and

HEREBY APPOINTS Nixon Peabody, LLP, 437 Madison Avenue, New York, NY 10002-7001 and Hawkins, Delafield & Wood, 67 Wall Street, New York, NY 10005, Harris Beach PLLC, The Omni, Uniondale, NY 11553, as bond counsel for bonding issues; and

HEREBY RATIFYS Town Board Resolution No. 2011- 556 effective January 1, 2012 to the extent it provided that all budgeted salaries for full time positions remaining vacant by attrition and/or retirement in the year 2011 be transferred into a General Contingency Account for the respective operating funds, in accordance with the Town Board's expressed intent on November 9, 2011 when it adopted the 2012 Annual Operating budget by Resolution No. 2011- 515, and

HEREBY AUTHORIZES the Comptroller to transfer the funds for those positions into the General Contingency Account, and;

2012-1

HEREBY DESIGNATES The Observer, 188 Main Street, Northport, NY 11768 and The Long Islander, 313 Main Street, Huntington, NY 11743, as the Official Newspapers for the Town of Huntington for the year 2012; and directs the Town Clerk to send official notification to the Suffolk County Clerk and Clerk of the Suffolk County Legislature of said designations; and

HEREBY DETERMINES that the subjects of this resolution are not actions as defined by 6 NYCRR §617.2 (b) and therefore no further SEQRA review is required, and;

WHEREAS, each position listed in Schedule A has been evaluated and deemed to be necessary for the continuation of essential Town services and for the safety and welfare of the community; and

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, budget amendments are not actions as defined 6 N.Y.C.R.R. 617.2(b), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Comptroller to make the budgetary amendments to the 2012 Operating Budget per the attached Schedule A.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Town of Huntington
Schedule A

Increase the following Appropriations:

A9010-8010	New York State Retirement	481,000
A9040-8030	Workers Compensation	50,000
A1010-8020	Social Security	3,213
A1225-8020	Social Security	3,824
A3120-8020	Social Security	3,350
A6772-802	Social Security	3,495
A1010-8021	MTA Tax	143
A1225-8021	MTA Tax	170
A3120-8021	MTA Tax	150
A6772-8021	MTA Tax	155
A9060-8070	Health Insurance	56,310
B3622-8020	Social Security	1,320
B3622-8021	MTA Tax	59
B9040-8030	Workers Compensation	31,000
B9010-8010	New York State Retirement	86,000
DB9010-8010	New York State Retirement	193,000
DB9040-8030	Workers Compensation	197,345
SR9010-8010	New York State Retirement	52,860
SR9040-8030	Workers Compensation	23,420
SS19010-8010	New York State Retirement	27,610
SS19010-8030	Workers Compensation	8,340
SS39010-8010	New York State Retirement	4,120
SW19010-8010	New York State Retirement	19,300
DB5112-2000	CHIPS	30,774
		<hr/>
		\$ 1,276,958

Decrease the following Appropriations

A6772-8020	Social Security	3,350
A6772-8021	MTA Tax	150
A-9060-8070	Health Insurance	638,010
A-9060-8071	Retiree Health Insurance	571,000
B-9060-8070	Health Insurance	185,662
B-9060-8071	Retiree Health Insurance	123,000
DB-9060-8070	Health Insurance	435,995
DB-9060-8071	Retiree Health Insurance	205,000
SL-9060-8070	Health Insurance	10,760
SR-9060-8070	Health Insurance	101,000
SR-9060-8071	Retiree Health Insurance	54,000
SS1-9060-8070	Health Insurance	33,000
SS1-9060-8071	Retiree Health Insurance	33,000
SS3-9060-8070	Health Insurance	6,120
SW1-9060-8070	Health Insurance	16,000
SW1-9060-8071	Retiree Health Insurance	24,000
A-1990-1100	Contingency	395,653
B-1990-1100	Contingency	13,878
		<hr/>
		\$ 2,849,578

**Town of Huntington
Schedule A**

Create the following positions:

A1010-1100	Legislative Secretary	\$ 42,000
A1225-1100	Legislative Aide	49,990
A3120-1100	Clerk Typist	43,806
A6772-1100	Sr Citizen Aide	45,680
B8020-1100	Planning Aide	45,075
		<hr/> \$ 226,551

Abolish the following budgeted positions:

A6772-1100	Clerk Typist	43,806
B8020-1100	Principal Legal Stenographer	87,416
		<hr/> \$ 131,222

Reinstate the following budgeted positions:

A1010-1100	Legislative Secretary	42,000
A1225-1100	Legislative Aide	49,990
A3010-1100	Guard II	34,615
A5630-1100	Bus Maintenance Supervisor	66,103
A1440-1100	Account Clerk	39,518
B3622-1100	Ordinance Inspector	59,602
		<hr/> \$ 291,828

Adjust the following budgeted positions:

A5630-1100	Bus Operations Supervisor	25,757
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Increase the following Revenue:

DB3501-3501	State Aid-CHIPS	30,774
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Decrease the following Revenue:

A2376	Ref & Gar- Other Govmts	75,000
A2709	Employee Health Contributions	535,700
B2709	Employee Health Contributions	115,500
B2545	GIS Licenses	71,400
DB2709	Employee Health Contributions	250,650
SL2709	Employee Health Contributions	10,760
SR2709	Employee Health Contributions	78,720
SS12709	Employee Health Contributions	30,050
SS32709	Employee Health Contributions	2,000
SW12709	Employee Health Contributions	20,700
		<hr/> \$ 1,190,480

RESOLUTION AUTHORIZING THE SUPERVISOR TO APPLY FOR AND RECEIVE FUNDING FROM UNITED STATES CONFERENCE OF MAYORS DOLLARWISE SUMMER YOUTH CAMPAIGN GRANT PROGRAM FOR 2012 FOR THE HUNTINGTON YOUTH BUREAU'S PROJECT EXCEL PROGRAM, NUNC PRO TUNC AND TO EXECUTE AN AGREEMENT WITH THE HUNTINGTON YOUTH BUREAU YOUTH DEVELOPMENT RESEARCH TO EXPEND SUCH FUNDS

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Supervisor Petrone, **COUNCILMAN MAYOKA** and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, Project EXCEL's mission is to develop in youth personal, social and academic competencies that will enable them to excel in school, in the community, in the job place, at home and among their peers. EXCEL offers youth academic and employment skills training, which includes tutoring, GED classes, interviewing skills workshops, employment, life skills and cultural enhancement programs, and Summer Youth Employment to youth within the Town of Huntington; and

WHEREAS, Funding in the amount of FOUR THOUSAND AND NO/100 (\$4,000) DOLLARS is available from the United States Conference of Mayors DollarWISE Summer Youth Campaign Grants Program for the Huntington Youth Bureau's Project EXCEL to enhance the financial education component in the Summer Youth Employment Program for the period June 1, 2012 to August 31, 2012; and

WHEREAS, the authorization to apply for and receive funding is not an action as defined 6 N.Y.C.R.R., §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to apply for and receive funding from the United States Conference of Mayors DollarWISE Summer Youth Campaign Grants Program in the amount of FOUR THOUSAND AND NO/100 (\$4,000.00) DOLLARS for enhancement of the financial education component of Project EXCEL's Summer Youth Employment Program and to execute any documents in connection and related therewith upon such terms and conditions as approved by the Town Attorney; and

HEREBY AUTHORIZES the Supervisor to execute an agreement with the Huntington Youth Bureau Youth Development Research Institute, Inc. (Non Drug related) 423 Park Ave, Huntington, NY 11743 for FOUR THOUSAND AND NO/100 (\$4,000.00) DOLLARS for the period of June 1, 2012 to August 31, 2012 for the enhancement of the financial education component of Project EXCEL's Summer Youth Employment Program contingent upon the award of the United States Conference of Mayors DollarWISE Summer Youth Campaign Grant funding nunc pro tunc and to execute any documents connected and related therewith upon such terms and conditions as approved by the Town Attorney; and

2012 - 2

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendments to the 2012 Operating Budget upon award of the United States Conference of Mayors DollarWISE Summer Youth Campaign Grant as follows:

Adjust the following Revenues:

A4821	Federal Aid-Youth Services	\$4,000
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Adjust the following Appropriations:

A7320-4001	Contractual Agreements- Youth	\$4,000
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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

12/22/11; yb; mg

2012-3

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF HUNTINGTON AND THE HUNTINGTON HUMAN SERVICES INSTITUTE, INC. FOR THE PURPOSE OF IMPLEMENTING THE 2012 BLACK HISTORY AND HISPANIC HERITAGE PROGRAMS

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Huntington Human Services Institute, Inc. and the Town of Huntington mutually desire to enter into an agreement for the purpose of implementing special programs; and

WHEREAS, the execution of this agreement with the Huntington Human Services Institute, Inc., is not an action as per 6 N.Y.C.R.R. Section 617.2 (b) and therefore requires no further SEQRA review.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement, and any other documents in connection therewith, with the Huntington Human Services Institute, Inc. to implement special programs for the period January 1, 2012 through December 31, 2012, for an amount not to exceed the sum of THREE THOUSAND DOLLARS AND NO/100 (\$3,000.00) DOLLARS to be charged to the 2012 Operating Budget Item A7620.4001 and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark L. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-4

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS
ON BEHALF OF THE DIVISION OF CULTURAL AFFAIRS FOR THE YEAR 2012

Resolution for the Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Supervisor Petrone **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town Board has a long history of promoting cultural programs, events, and facilities in the Town of Huntington; and

WHEREAS, such programming results in considerable economic and recreational benefit to all our residents; and

WHEREAS, the Town Board has approved certain appropriations in support of such programming for the year 2012; and

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, the execution of agreements with the indicated non-profit organizations for providing such cultural services is not an action as defined by 6 N.Y.C.R.R. Section 617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute agreements, and any and all documents in connection therewith, on such terms and conditions as may be acceptable to the Town Attorney, for the provision of cultural services pursuant to the indicated appropriations, for the year 2012 with the following agencies:

<u>CONTRACTOR</u>	<u>APPROPRIATION</u>	<u>AMOUNT</u>
HUNTINGTON ARTS COUNCIL		
(Administration)	A 7010.4001	\$147,500.00
(Summer Arts Festival – “Band Concerts”)*	A 7270-4001	\$106,115.00

213 Main Street

Huntington, NY 11743

* In addition, funding of \$20,000 has been appropriated in the Town's 2011 budget for the Summer Art's Festival part-time wages and related personnel benefits & taxes

2012-4

HECKSCHER MUSEUM OF ART 2 Prime Avenue Huntington, NY 11743-7702	A 7450.4001	\$410,134.00
WHALING MUSEUM SOCIETY, INC. P.O. Box 25 Cold Spring Harbor, New York 11724	A 7460.4003	\$23,500.00
HUNTINGTON HISTORICAL SOCIETY 209 Main Street Huntington, New York 11743	A 7460.4004	\$52,000.00
NORTHPORT HISTORICAL SOCIETY P.O. Box 545 Northport, New York 11768	A 7460.4005	\$16,250.00
GREENLAWN/CENTERPORT HISTORICAL ASSOCIATION, INC. P.O. BOX 354 Greenlawn, New York 11740	A 7460.4006	\$ 1,900.00
WALT WHITMAN BIRTHPLACE ASSOCIATION, INC. 246 Walt Whitman Road Huntington Station, New York 11746	A 7460.4007	\$21,000.00
HUNTINGTON LIGHTHOUSE PRESERVATION SOCIETY P.O. Box 2454 Halesite, New York 11743	A 7460.4009	\$ 4,900.00
CINEMA ARTS CENTRE 423 Park Avenue Huntington, NY 11743	A 7460.4057	\$10,000.00

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendment to the 2012 Operating Budget to restore funding for youth services grants:

Increase the following Appropriations:

A7010-4001	Contractual-Arts Council	\$22,500
A7270-1100	Salaries-Band Concerts	18,000
A7270-4001	Contractual-Band Concerts	56,115
A7270-8020	Social Security	1,377
A7270-8021	MTA Tax	63
A7450-4001	Contractual-Museum Fine Arts	45,000

2012-4

A7460-4003	Cold Spring Harbor Whaling Museum	13,500
A7460-4004	Huntington Historical Property	27,000
A7460-4005	Northport Historical Property	11,250
A7460-4006	Greenlawn/Centerport Historical Property	900
A7460-4007	Walt Whitman Historical Property	13,500
A7460-4009	Huntington Lighthouse	900

Decrease the following Appropriations:

A9060-8070	Health Insurance	\$210,105
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VOTE AYES: 3 NOES: 1 ABSTENTIONS: 1

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	ABSTAIN
Councilman Mark A. Cuthbertson	NO
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2012-5

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE TOWN OF HUNTINGTON ECONOMIC DEVELOPMENT CORPORATION

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Supervisor Petrone

And seconded by: **COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND**

WHEREAS, via Town Board Resolution 2003-353, the Huntington Town Board authorized the formation of the Town of Huntington Economic Development Corporation; and

WHEREAS, via Town Board Resolution 2004-510, the Town Board accepted and adopted the Town of Huntington Economic Developments Corporation's report recommending various community-inspired projects in Huntington Station; and

WHEREAS, the Town Board wishes to enter into an agreement with the Town of Huntington Economic Development Corporation to continue to assist the Town in the realization of these projects and other economic development initiatives throughout the Town; and

WHEREAS, the execution of an agreement is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(20) and (c)(27), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with the Town of Huntington Economic Development Corporation, commencing on January 1, 2012 and terminating on December 31, 2012, for services related to assisting the Town in the enhancement of economic development, in an amount not to exceed THIRTY FIVE THOUSAND AND NO/100 DOLLARS (\$35,000.00), to be charged to Operating Budget Item A8684-4043, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2012-6

RESOLUTION AUTHORIZING THE SUPERVISOR TO SUBMIT AN APPLICATION FOR AN ENTITLEMENT GRANT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND AUTHORIZING ALL ASSURANCES CONNECTED WITH SAID APPLICATION

Resolution for the Town Board Meeting dated: January 10, 2012

The following Resolution was offered by: Supervisor Petrone

And seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington under the Federal Housing and Community Development Act of 1974, is eligible to receive an estimated NINE HUNDRED EIGHT THOUSAND ONE HUNDRED THREE AND XX/100 (\$908,103.00) DOLLARS in Entitlement Funds available for fiscal year 2012; and

WHEREAS, the Town Board of the Town of Huntington held a public hearing on the 13th day of December, 2011 concerning the planning of the said application (a Five Year Consolidated Plan and the One Year Action Plan) to provide a forum for the citizens of the Town of Huntington to participate in the planning of said Application for the Entitlement Funds available for the fiscal year 2012; and

WHEREAS, the authorization for submission of an application for Community Development Block Grant funding is a type II action pursuant to six N.Y.C.R.R. section 617.5 (c) (20), and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to submit an Application on behalf of the Town of Huntington for an entitlement grant of Community Development Funds in the estimated amount of NINE HUNDRED EIGHT THOUSAND ONE HUNDRED THREE AND XX/100 (\$908,103.00) DOLLARS under the Housing and Community Development Act of 1974 and to execute any documents in connection and related therewith; and

HEREBY DESIGNATES the Director of the Huntington Community Development Agency to be the agent of the Supervisor with respect to providing additional information as may be required under said application; and

HEREBY DIRECTS the Town Attorney, as counsel for the applicant and attorney-at-law duly admitted to practice in the State of New York, to certify to the facts and representations as contained in Federal Form HUD - 7015.15, also as Assurances, under the Community Development Block Grant Application referred to above.

2012-6

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-7

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT AND AQUATICS PERMIT WITH VICOBE PRODUCTIONS FOR THE USE OF CRAB MEADOW BEACH FOR A SPRINT TRIATHLON AND YOUTH EVENT ON SEPTEMBER 22 AND 23, 2012

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILMAN MAYOKA, COUNCILWOMAN BERLAND**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, Vicobe Productions has successfully conducted sprint triathlons and youth events in several Long Island Towns, including Huntington, and such events help promote physical fitness and a healthy lifestyle; and

WHEREAS, Vicobe Productions has requested permission to utilize Crab Meadow Beach, parking lot and pavilion to conduct a youth race event and registration on Saturday, September 22, 2012 from 9 a.m. to 6 p.m. and a sprint triathlon from 4:00 a.m. to 12 p.m. on Sunday, September 23, 2012 and;

WHEREAS, a portion of proceeds from both events will benefit two local not-for-profit organizations with strong ties to the Northport community; and

WHEREAS, the execution of this license agreement and aquatics permit is a Type II action pursuant to 6 N.Y.C.R.R 617.(c)(15), and therefore no further SEQRA review is required.

NOW, THEREFORE BE IT RESOLVED

THE TOWN BOARD, hereby authorizes the Supervisor to execute a License Agreement and an Aquatics Permit with Vicobe Productions for the use of the northeast portion of the parking lot and the pavilion of Crab Meadow Beach for a youth race event on Saturday, September 22, 2012 from 9 a.m. to 6 p.m. and a sprint triathlon from 4:00 a.m. to 12 p.m. on Sunday, September 23, 2012; and

BE IT FURTHER RESOLVED, that said authorization is subject to compliance with the following terms and conditions:

1. That Vicobe Productions shall coordinate the activities and secure all necessary approvals from the Town Department of Parks & Recreation, the Town Highway Department, the Town Department of Maritime Services, Town Department of General Services, the Town Department of Public Safety/Code Enforcement and any other Town, County, State or Federal agency having jurisdiction.
2. That Vicobe Productions executes a License Agreement, which shall contain provisions indemnifying and holding the Town of Huntington and Huntington Board of Trustees

harmless from and against any and all claims for personal injury and/or property damage, including death, and reasonable attorney fees arising from or as a result of the events.

3. Vicobe Productions will be required to contact the Suffolk County Police Department and the Northport Village Police Department and provide all details of the race, including a comprehensive outline of what streets will be utilized by triathlon participants.
4. Vicobe Productions will be required to post employees and/or volunteers throughout the triathlon racecourse to assist and guide participants.
5. Vicobe Productions will be responsible for restoring all areas of Crab Meadow Beach used for the events to its pre-event condition. They shall be required to accompany the Director of Parks and Recreation or his designee on an inspection of the beach, parking area and pavilion prior to and following the event. Any and all costs associated with any restoration work shall be the sole responsibility of Vicobe Productions.
6. Vicobe Productions must provide insurance coverage for the event with minimum policy limits of \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate for bodily injury, including death, and \$1,000,000.00 for property damage. Prior to the execution of the Agreement, Vicobe Productions shall furnish to the Town of Huntington Attorney's Office a Certificate of Insurance evidencing the aforesaid insurance requirements. Said Certificate shall: 1) name the Town of Huntington and the Board of Trustees as additional insures; 2) provide for the Town and Board of Trustees as Certificate Holder by endorsement; and 3) further provide that the Certificate Holder shall be notified thirty (30) days prior to any cancellation, non-renewal or material change of action.
7. That all costs incurred for labor, services, and materials in connection with or resulting from said events shall be the sole responsibility of Vicobe Productions, including, but not limited to, the timely removal of all equipment, apparatus and debris.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH GREENMAN-PEDERSEN, INC. AS CONSULTING ENGINEERS FOR THE DEVELOPMENT, TECHNICAL SUPPORT AND ONGOING ENHANCEMENTS FOR A COMPUTER APPLICATION PERMITTING ADVANCED GEOGRAPHIC INFORMATION SYSTEM (GIS) DATA TO BE ACCESSIBLE AS A PROFESSIONAL SUBSCRIPTION SERVICE.

Resolution for the Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND**

And seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington has maintained a long-term commitment to continually enhance its town-wide geographic information system for the benefit of town operations and its residents through the integration of the most current aerial photography, land records, scanned documents and GIS databases; and

WHEREAS, the Department of Planning and Environment and the Department of Information Technology, have been jointly undertaking innovations to the Town of Huntington Geographic Information System (GIS) to advance this mission; and

WHEREAS, the town seeks to further this commitment for maintaining and improving town-wide GIS services for use by town residents, town staff and members of the professional community to include specific new applications for the development of a professional site that will offer value services to real estate, engineering, legal and other professionals doing business in the community; and

WHEREAS, these initiatives will improve the GIS services and capabilities of all town departments, and services used by the general public, and the revenues collected through subscriptions to the professional site shall be used to reduce the budgetary impact for providing town-wide GIS services; and

WHEREAS, the town desires to contract with Greenman-Pedersen Incorporated (GPI), a consulting firm who has a thorough knowledge of the Town's existing GIS system, for professional services to develop, program and configure the Town's GIS System to for the additional services that will be offered through the professional site at a cost not to exceed \$142,000; and

WHEREAS, it is also necessary to establish a contract with GPI for providing professional services for the maintenance and operation of this expanded town GIS system to be used on an as-needed basis for issues that require certain expertise; and

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, the proposed action is classified Type II pursuant to SEQRA 6 NYCRR 617.5(c)(20) and requires no further SEQRA review, and

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an agreement with Greenman-Pedersen Incorporated, 325 West Main Street, Babylon, NY 11702 for professional programming services related to the development of a subscription based GIS application, for an amount not to exceed the sum of ONE HUNDRED FORTY-TWO THOUSAND AND NO/100 (\$142,000.00) DOLLARS as proposed. The contract period shall be effective for a one (1) year period commencing upon execution of the contract to be charged to Capital Budget Item IT1997-2220 upon such other terms and conditions as may be acceptable to the Town Attorney; and

HEREBY AUTHORIZES the Supervisor to execute an agreement with Greenman-Pedersen Incorporated for professional GIS services at hourly rates set forth in the attached proposal, for the support and maintenance of the GIS system on an as-needed basis. The contract period shall be for one (1) year from the date of execution of the contract and upon mutual agreement of the vendor and the Town, the contract may be extended for one (1) additional two (2) year period under the same prices, commencing upon execution to be charged to Operating Budget Item A1680-4550 and upon such other terms and conditions as may be acceptable to the Town Attorney; and

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendment to the 2012 Operating and Capital Budget:

Increase the Following Appropriations:

A1680-4550	Professional Services	\$20,000
IT1997-2220	Townwide Computerization	\$77,448

Decrease the Following Appropriations:

PL1997-2210-RS202	Computer Software	\$77,448
A9060-8070	Health Insurance	\$20,000

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECALRED DULY ADOPTED

2012-9

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION
TO THE REQUIREMENTS CONTRACT FOR OVERHEAD AND ROLLUP DOOR
REPAIRS AND SERVICE WITH SUPERIOR OVERHEAD DOOR, INC.

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, it is the intent of this requirements contract to provide repair service and general maintenance to a wide variety of overhead and rollup doors, as required by various Town facilities to ensure that all doors are operating in good working order; and

WHEREAS, Town Board Resolution 2011-48 authorized the execution of a contract with Superior Overhead Door, Inc. for overhead and rollup door repairs and service, Bid No. TOH 11-01R-001; and

WHEREAS, said requirements contract provides for two (2) additional one (1) year extensions with no increase in the bid price or change in the terms and conditions; and

WHEREAS, Superior Overhead Door, Inc., 309 Magnolia Drive, Selden, New York 11784 has requested the first one (1) year extension; and

WHEREAS, the authorization to extend a contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with Superior Overhead Door, Inc. for overhead and rollup door repairs and service. The extension period shall be effective for one (1) year commencing on March 9, 2012 to be charged to the various operating budgets in object code .4650, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-10

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR TOWN WIDE ALARM SYSTEM REPAIR, INSTALLATION, SERVICE AND CENTRAL STATION MONITORING WITH GENERAL SECURITY, INC.

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town requires a trained, certified alarm service company to provide 24 hour monitoring services, on an as needed basis, for fire, burglary, water monitoring and panic alarm systems at designated Town of Huntington facilities. The Town of Huntington owns and operates facilities where existing fire or burglary/intrusion alarm systems, or both, may be required to be repaired or upgraded; and

WHEREAS, Town Board Resolution 2010-12 authorized the execution of a contract with General Security, Inc. for town wide alarm system repair, installation, service and central station monitoring, Bid No. 10-01R-001; and

WHEREAS, said requirements contract provides for a one (1) year extension with no increase in the bid price or change in the terms and conditions; and

WHEREAS, General Security, Inc., 100 Fairchild Avenue, Plainview, New York 11803 has requested the one (1) year extension; and

WHEREAS, the authorization to extend a contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Supervisor to execute an extension to the requirements contract, and any documents in connection and related therewith, with General Security, Inc. for town wide alarm system repair, installation, service and central station monitoring. The extension period shall be effective for one (1) year commencing on February 4, 2012 to be charged to the various operating budgets in object code 4280, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-11

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AMENDMENT TO THE CONTRACT FOR SUPPLYING, INSTALLING, AND MAINTAINING A BUILDING MANAGEMENT SYSTEM (BMS) IN THE TOWN OF HUNTINGTON, NEW YORK WITH CONTROL SOLUTIONS GROUP, INC.

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington, in its mission of pursuing sustainability, performed a LEED-based evaluation for Town Hall, which included EPA's Energy Star reporting and building commissioning. To improve energy efficiency, reduce the Carbon Footprint and pursue USGBC LEED Certification for Town Hall, the Facility Improvement Measures (FIMs) were evaluated and prioritized. It was determined that the most efficient use of the US Department of Energy (EECBG) funds was to upgrade and optimize the Town's Building Management System (BMS) which is 2-3 generations behind current standard. Upgrading the BMS for Town Hall could yield approximately a 15-20% reduction in energy usage; and

WHEREAS, sealed proposals were received on April 1, 2011, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for the supplying, installing, and maintaining a Building Management System (BMS) Town of Huntington, New York, RFP No. 2011-04-002 and the same were opened and read aloud; and

WHEREAS, Control Solutions Group, Inc., 122 West 27th Street, New York, New York 10001 was awarded a contract to supply, install and maintain a building maintenance system without the alternates by Town Board Resolution 2011-161; and

WHEREAS, the original proposal included energy efficient Variable Frequency Drives (VFDs) to modulate electric fan motors that was offered as an alternate. It has now been determined that maximizing the energy efficiency of the air handlers will save an additional 15-20% in electrical energy usage; and

WHEREAS, funding is available in the EECBG grant for five VFDs that will advance the Town's goal of obtaining LEED certification for Town Hall; and

WHEREAS, supplying, installing, and maintaining a building management system (BMS) is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(1) and (c)(2), and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

2012-11

HEREBY AUTHORIZES the Supervisor to execute an amendment to the contract, and any documents in connection and related therewith, with Control Solutions Group, Inc. for supplying, installing and maintaining a Building Management System (BMS). The amendment is to provide and install five Variable Frequency Drives and connect to the BMS per Control Solutions Group, Inc. alternate included in the proposal. The contract period for installation of the above mentioned equipment shall be 8 months commencing upon execution, for an amount not to exceed the sum of THIRTY-FIVE THOUSAND SIX HUNDRED EIGHTY-THREE AND NO/100 (\$35,683.00) DOLLARS, to be charged to Capital Budget Item TT1997-2102-GT018 and authorizes the Director of Engineering to execute change orders up to 5% of the proposed amount and upon such other terms and conditions as may be acceptable to the Town Attorney.

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendment to the 2012 Capital Budget for grant funds:

Increase the following Appropriations:

TT1997-2102-GT018	Building Improvements	\$46,983
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Decrease the following Appropriations:

TT1997-4550-GT018	Outside Professional	\$ 7,600
H979901-9010-GT018	Transfers-Administrative Expenses	39,383

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-12

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN AGREEMENT FOR THE PROVISION OF CONSULTING SERVICES FOR TOWN AND BOARD OF TRUSTEES PROPERTY AND CONTRACT/FRANCHISE MATTERS

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town Board believes that professional property consulting services has enhanced the management of Town and Board of Trustees properties and contract/franchise matters; and

WHEREAS, the Town Board is desirous of retaining the services of a consultant to insure the continued improvement of the management of such properties and contract/franchise matters; and

WHEREAS, the subject of this resolution is not an action as defined by 6 N.Y.C.R.R. 617.2 (b), and therefore no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD,

HEREBY AUTHORIZES the Supervisor to execute an agreement with Robert G. Fonti, 40 Spring Hill Road, Cold Spring Harbor, New York 11724, for consulting services for Town and Board of Trustees property and contract/franchise matters, for a period of one (1) year commencing on January 1, 2012 and terminating on December 31, 2012, for an amount not to exceed SIXTY TWO THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$62,400.00) to be charged to Operating Budget Item C1950-4550, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 3 NOES: 0 ABSTENTIONS: 2

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	ABSTAIN
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	ABSTAIN

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012- 13

RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE A NOTICE OF ASSIGNMENT AGREEMENT, ASSIGNING THE LEASE WITH KEY GOVERNMENT FINANCE, INC. TO FIRST NIAGRA LEASING, INC.

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Town of Huntington by Resolution No. 2009-395, dated August 11, 2009, authorized the execution of an agreement with Key Government Finance, Inc. to finance the purchase of multifunction copy/print/scan machines for various Town Departments under a New York State Contract; and

WHEREAS, Key Government Finance, Inc. has requested that the contract between the Town and Key Government Finance, Inc. entered into pursuant to Town Board Resolution No. 2009-395, be assignment to First Niagara Leasing, Inc.; and

WHEREAS, the Statewide Lease Purchase agreement provides an assignment shall not take place without the prior written consent of the Lessee, but that such consent shall not be unreasonably withheld; and

WHEREAS, the assignment of this lease is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and therefore no further SEQRA review is required.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute the Notice of Assignment subject to the approval of the Town Attorney as to form, together with any other documents in connection therewith.

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-14

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
THE HUNTINGTON COMMUNITY FIRST AID SQUAD, INC., FOR EMERGENCY
MEDICAL AND AMBULANCE SERVICES TO THE HUNTINGTON COMMUNITY
AMBULANCE DISTRICT

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Supervisor Petrone, **COUNCILMAN MAYOKA**
and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, funding in the amount of ONE MILLION SEVEN HUNDRED EIGHTY FIVE THOUSAND FIVE HUNDRED AND NO/100 (\$1,785,500.00) DOLLARS has been allocated for the Huntington Community Ambulance District in the 2012 Operating Budget Item SM2-4542.4001; and

WHEREAS, the Huntington Community First Aid Squad, Inc., has provided emergency medical and ambulance services to the Huntington Community Ambulance District; and

WHEREAS, it is in the best interests of the residents of said district to continue to receive such services from the Huntington Community First Aid Squad, Inc.; and

WHEREAS, the execution of this contract is not an action as defined by 6 N.Y.C.R.R. §617.2(b), and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Town Board, on behalf of the Huntington Community Ambulance District to execute an agreement with the Huntington Community First Aid Squad, Inc. for emergency medical and ambulance services for the term beginning January 1, 2012 and ending December 31, 2012, at a cost of ONE MILLION SEVEN HUNDRED EIGHTY FIVE THOUSAND FIVE HUNDRED AND NO/100 (\$1,785,500.00) DOLLARS to be charged to 2012 Operating Budget Item SM2-4542.4001 in two equal installments to be submitted by voucher on February 28, 2012 and June 30, 2012, and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-15

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
THE COMMACK VOLUNTEER AMBULANCE CORPORATION FOR
EMERGENCY MEDICAL AND AMBULANCE SERVICES TO THE COMMACK
AMBULANCE DISTRICT

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILMAN COOK, COUNCILWOMAN BERLAND**

WHEREAS, funding in the amount of FOUR HUNDRED SIXTY SIX THOUSAND
FOUR HUNDRED TWENTY AND NO/100 (\$466,420.00) DOLLARS has been
allocated for the Commack Ambulance District in the 2012 Operating Budget Item SM1-
4541.4001; and

WHEREAS, the Commack Volunteer Ambulance Corporation has provided emergency
medical and ambulance services to the Commack Ambulance District; and

WHEREAS, it is in the best interests of the residents of said district to continue to receive
such services from the Commack Volunteer Ambulance Corporation; and

WHEREAS, the execution of this contract is not an action as defined by 6 N.Y.C.R.R.
§617.2(b), and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the Town Board, on behalf of the Commack Ambulance
District, to execute an agreement with the Commack Volunteer Ambulance Corporation
for emergency medical and ambulance services for the term beginning January 1, 2012
and ending December 31, 2012, at a cost of FOUR HUNDRED SIXTY SIX
THOUSAND FOUR HUNDRED TWENTY AND NO/100 (\$466,420.00) DOLLARS to
be charged to 2012 Operating Budget Item SM1-4541.4001 in two equal installments to
be submitted by voucher on February 15, 2012 and August 1, 2012, and on such other
terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-16

RESOLUTION AUTHORIZING THE EXECUTION OF AN EXTENSION TO THE REQUIREMENTS CONTRACT FOR REPAIR AND/OR REPLACEMENT OF MANHOLE FRAMES AND COVERS ON NEW YORK STATE ROADWAYS, WITHIN THE HUNTINGTON SEWER DISTRICT, WITH BANCKER CONSTRUCTION CORP.

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, it is the intent of this procurement to provide for the repair and/or replacement of manhole frames and covers on New York State owned roadways in the Huntington Sewer District. Additionally, this requirements contract will be utilized to furnish all labor, materials, equipment and appliances necessary to maintain both vehicular and pedestrian traffic, protect the public from all damage to person and property and to minimize inconveniences to the facilities adjacent to the work areas, in accordance with the contract specifications and the New York State Manual of Uniform Traffic Control; and

WHEREAS, Town Board Resolution 2011-54 authorized the execution of a contract with Bancker Construction Corp. for repair and/or replacement of manhole frames and covers in New York State roadways, Bid No. TOH 11-01R-003; and

WHEREAS, said requirements contract provides for two (2) additional one (1) year extensions with no increase in the bid price or change in the terms and conditions; and

WHEREAS, Bancker Construction Corp., 218 Blydenburgh Road, Islandia, New York 11749 has requested the first one (1) year extension; and

WHEREAS, the authorization to extend a contract is a Type II action pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an extension to the requirements contract, and any documents in connection and related therewith, with Bancker Construction Corp. for repair and/or replacement of manhole frames and covers in New York State roadways. The extension period shall be effective for one (1) year commencing on March 8, 2012 to be charged WM 8197 2780, and upon such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-17

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
HOLZMACHER, MCLENDON & MURRELL, P.C. FOR 2012 ANNUAL RETAINER
SERVICES FOR THE DIX HILLS WATER DISTRICT

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Councilwoman Berland

and seconded by COUNCILMAN COOK, COUNCILMAN MAYOKA

WHEREAS, Holzmacher, McLendon & Murrell, P.C. (H2M Group) has been the consultant to the Dix Hills Water District for over 45 years, and

WHEREAS, Holzmacher, McLendon & Murrell, P.C. has successfully performed this work in the past and has now submitted a proposal for 2012 Retainer Services acceptable to the Department of Engineering Services, and

WHEREAS, pursuant to SEQRA, 6NYCRR, Part 617.5(c)(20), routine or continuing agency administration and management is a Type II action and, therefore, no further review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an agreement with Holzmacher, McLendon & Murrell, P.C. (H2M Group), 575 Broad Hollow Road, Melville, New York 11747 for 2012 retainer services for the Dix Hills Water District; for an annual fee not to exceed FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS, to be charged to Operating Budget Item No. SW1-8321-4550.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-18

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
H2M LABS, INC. FOR THE PROVISION OF 2012 ANNUAL LABORATORY
SERVICES FOR THE DIX HILLS WATER DISTRICT

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Councilwoman Berland

and seconded by COUNCILMAN CUTHBERTSON

WHEREAS, the Dix Hills Water District is required to provide water quality testing at regular intervals for specified routine and special program parameters, and

WHEREAS, H2M Labs, Inc. is a local laboratory certified by the New York State Health Department to provide all of the testing required by law for the Dix Hills Water District, and

WHEREAS, H2M Labs, Inc. has satisfactorily provided this service to the Dix Hills Water District for over forty five years, and

WHEREAS, water quality studies are a Type II action pursuant to SEQRA, 6 NYCRR §617.5(c)(18) and (20), and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AUTHORIZES the execution of an agreement with H2M Labs, Inc., 575 Broad Hollow Road, Melville, New York 11747 for provision of 2012 annual laboratory services for the Dix Hills Water District for an annual estimated fee not to exceed THIRTY FIVE THOUSAND AND NO/100 (\$35,000.00) DOLLARS to be charged to Operating Budget Item SW1-8321-4550, for services to include routine well and distribution testing and additional special testing as authorized by the Director of Engineering Services.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-20

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT TO SPEND TOWN
HIGHWAY FUNDS FOR CALENDAR YEAR 2012

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by **COUNCILMAN CUTHBERTSON**

and seconded by **COUNCILMAN COOK**

WHEREAS, the execution of an agreement to spend Town Highway Funds is a type II action pursuant to 6 NYCRR §617.5(c)(20), & (25), therefore no further review is required.

THE TOWN BOARD, pursuant to §284 of Highway Law,

HEREBY AUTHORIZES the execution by the Supervisor, Councilpersons and Superintendent of Highways, of an agreement to spend Town Highway Funds for the calendar year 2012, in the amounts not exceeding the following:

TWELVE MILLION TWO HUNDRED NINETY ONE THOUSAND SIX HUNDRED FORTY DOLLARS AND NO/100 (\$12,291,640) for general repairs upon 787 miles of town highways, to be disbursed in accordance with the detailed appropriations set forth in the 2012 Operating Budget Item DB5110 Highway Repairs; and

ONE MILLION THREE HUNDRED FIFTY ONE THOUSAND FIVE HUNDRED NINETY FOUR DOLLARS AND FORTY-TWO CENTS (\$1,351,594.42) in New York State CHIPS funding, (based upon receipt of said funding from the NYSDOT), to be charged to the 2012 Operating Budget Item DB5112-2000 Capital Highway Improvement Program for roadway improvements.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012 -21

RESOLUTION AUTHORIZING THE SUPERVISOR TO ENTER INTO AN
INTERMUNICIPAL AGREEMENT WITH THE SOUTH HUNTINGTON UNION
FREE SCHOOL DISTRICT

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND**

And seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the Town of Huntington operates a gasoline and diesel fuel pumping facility at Boxer Court; and

WHEREAS, the South Huntington Union Free School District has requested to enter into an Inter-Municipal Agreement with the Town of Huntington to allow the South Huntington School District to obtain gasoline and diesel fuel from the Town of Huntington's gasoline and diesel facility; and

WHEREAS, the South Huntington Union Free School District utilizes approximately twenty-two thousand five hundred (22,500) gallons of gasoline per year; and

WHEREAS, the subject of this resolution is a Type II action pursuant to 6 NYCRR 617.5 (c)(20) and (29) therefore no further SEQRA review is required.

NOW THEREFORE BE It

RESOLVED that the Town Board hereby authorizes the Supervisor to enter into an Inter-Municipal Agreement with the South Huntington Union Free School District for the purpose of allowing the South Huntington Union Free School District to obtain gasoline and diesel fuel from the Town of Huntington's gasoline and diesel facility in accordance with such terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

2012-22

RESOLUTION AUTHORIZING THE COMPTROLLER TO AMEND THE 2012 OPERATING BUDGET AND APPROPRIATE FUND BALANCE FOR THE TOWN OF HUNTINGTON AND ITS SPECIAL DISTRICTS – CULTURAL AFFAIRS (PUBLIC ART INITIATIVE)

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Supervisor Petrone , **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, the Public Art Initiative (A-7460.4012) fund held an unobligated balance of FIFTY-FOUR THOUSAND SEVENTY-THREE AND 89/100 DOLLARS (\$54,073.89) at the end of 2011, and;

WHEREAS, for several years it has been the practice of the Town Board to regularly re-appropriate from fund balance the previous year's unobligated Public Art Initiative funds to support ongoing annual and multi-year public art projects; and,

WHEREAS, the 2012 Operating Budget approved by the Town Board allocates no new funding for the Public Art Initiative (A-7460.4012) in the current year; and,

WHEREAS, as authorized by Town Board Resolution 2011-376, the Town entered into an agreement in September 2011 with Madeline Wiener Sculptor, Inc. commissioning the design and fabrication of a public art project in the form of a grouping of larger than life sculptural "bench people" to be carved from dolomitic limestone for installation as an integral part of the Huntington Station Plaza planned for the southeast corner of New York Avenue and Olive Street; and,

WHEREAS, in addition to support already secured from a HUD Planning Grant and a Round 6 Suffolk County Downtown Revitalization Grant, fulfillment of the Town's contractual obligations and completion of this Huntington Station Plaza public art project will require payment of a further \$20,000 - \$30,000 out of the total project budget of \$65,000; and,

WHEREAS, implementation of the balance of the 2012 Public Art Plan as approved by Resolution 2011-565, including annual projects such as "Poetry for the HART," "Seasonal Park Installations," and "Awareness Day Public Art Projects" such as the "Chalk Flood" and the "Huntington Kinetic Sculpture Competition" cannot proceed without support of additional funds in 2012; and,

WHEREAS, the Public Art Advisory Committee recommends that the unobligated Public Art Initiative funds from 2011 be made available for implementation of these projects as outlined in the approved 2012 Public Art Plan; and,

2012-22

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and,

WHEREAS, this is not an action pursuant to SEQRA as defined by 6 N.Y.C.R.R. §617.2 (b) and therefore no further SEQRA review is required, and;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate fund balance and amend the 2012 Operating Budget as follows:

Increase the following Revenue:

A-0599R	Appropriated Fund Balance	\$54,073.89
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Increase the following Appropriation:

A7460-4012	Public Art Initiative	\$54,073.89
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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-23

RESOLUTION AUTHORIZING THE CORRECTION OF CODE VIOLATIONS AT
VARIOUS LOCATIONS PURSUANT TO THE CODE OF THE TOWN OF
HUNTINGTON AND/OR THE UNIFORM CODES OF THE STATE OF NEW YORK

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND**

And seconded by: **COUNCILMAN COOK**

WHEREAS, violations of the Code of the Town of Huntington and/or the Uniform Codes of the State of New York exist at the locations set forth in Schedule "A", attached hereto and made part of this Resolution, which constitute an attractive nuisance, negatively affect the aesthetic appearance of our neighborhoods, and jeopardize the health and safety of residents in close proximity to these properties; and

WHEREAS, the owner(s) of properties listed in Schedule "A" have failed and/or refused to bring their properties into compliance after a Notice of Violation has been issued by the Department of Public Safety; and

WHEREAS, the correction of code violations by the Town of Huntington is a Type II action pursuant to 6 N.Y.C.R.R. 617.5 c. (33) and, therefore, no further SEQRA review is required.

NOW, THEREFORE, THE TOWN BOARD

HEREBY DIRECTS the Town Attorney to provide each property owner listed in Schedule "A" with a copy of this Resolution, and notice that such violation must be rectified to the satisfaction of the Town within ten (10) days of mailing of the Notice, and upon the failure to remedy the same on a timely basis, the Town shall take all steps necessary to rectify the hazard or nuisance at the property owner's expense; and

HEREBY AUTHORIZES, the Director of the Department of General Services and other Town departments having jurisdiction, to take all actions necessary to correct the violations on these properties upon the failure of the owners to do so, and charge all costs incurred by the Town against the owners of the properties in the same manner and at the same time as real property taxes in accordance with the applicable provisions of the Code of the Town of Huntington or other applicable law.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Schedule AChapter 87, Section 81 of the Code of the Town of Huntington
Authorizing the Securing of a Pool Fence

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
88 8 th Ave. Huntington Sta., NY 11746	0400-143.00-02.00-009.000	Junior Brown Zelda Brown	12/21/2011	N/A

Chapter 119, Section 5 of the Code of the Town of Huntington
Authorizing the Removal of Graffiti

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
11 Pearsall Pl. Huntington, NY 11743	0400-096.00-03.00-028.000	Angelo Giumento John Hanna	11/18/2011	POB 364 Huntington Sta., NY 11746

Chapter 133, Section 2A of the Code of the Town of Huntington
Authorizing the Removal of Litter and Debris

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
88 8 th Ave. Huntington Sta., NY 11746	0400-143.00-02.00-009.000	Junior Brown Zelda Brown	12/20/2011	N/A
69 East 11 th St. Huntington Sta., NY 11746	0400-146.00-01.00-034.000	New York Equity Note, LLC	12/20/2011	1715 N. Ocean Ave. Medford, NY 11763
1 Gateway Pl. Dix Hills, NY 11746	0400-262.00-03.00-019.000	Gary Robinson	01/04/2012	N/A

Schedule AChapter 133, Section 2A of the Code of the Town of Huntington
Authorizing the Removal of Litter and Debris (Continued)

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
2 Pine Hill Ct. Northport, NY 11768	0400-081.00-08.00-016.000	Iris Cervantes	12/06/2011	N/A

Chapter 156, Section 46A of the Code of the Town of Huntington
Authorizing the Removal of the Overgrown Weeds and Grass

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
69 East 11 th St. Huntington Sta., NY 11746	0400-146.00-01.00-034.000	New York Equity Note, LLC	12/20/2011	1715 N. Ocean Ave. Medford, NY 11763
37 Evergreen Ave. Huntington Sta., NY 11746	0400-200.00-03.00-105.000	Heath Greenidge	11/03/2011	N/A

Chapter 191, Section 4K of the Code of the Town of Huntington
Authorizing the Securing of an Unsafe Structure

<u>PROPERTY ADDRESS</u>	<u>SCTM#</u>	<u>OWNER</u>	<u>NOV</u>	<u>MAILING ADDRESS</u>
88 8 th Ave. Huntington Sta., NY 11746	0400-143.00-02.00-009.000	Junior Brown Zelda Brown	12/20/2011	N/A

2012-24

RESOLUTION REAPPOINTING MEMBERS TO THE TOWN OF HUNTINGTON
CITIZENS ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Supervisor Petrone, **COUNCILMAN COOK**

and seconded by: **COUNCILWOMAN BERLAND, COUNCILMAN MAYOKA**

WHEREAS, the reappointment of individuals to an advisory board is not an action as defined in SEQRA in 6 NYCRR 617.2 (b) and therefore no SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD, upon the recommendation of the Citizens Advisory Committee for Persons with Disabilities,

HEREBY REAPPOINTS the following individuals to the Town of Huntington Citizens Advisory Committee for Persons with Disabilities for terms to expire August 31, 2016:

Thomas Mangan
57 Mill Lane, Huntington, New York 11743

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION RESCINDING RESOLUTION 2011-539 AND AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS FOR THE PROVISION OF VARIOUS YOUTH SERVICES ON BEHALF OF THE YOUTH BUREAU FOR THE YEAR 2012

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Supervisor Petrone

and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town of Huntington annually enters into contractual relationships with essential not-for-profit service providers in the Town of Huntington that offer assistance to all youth and families such as counseling, runaway and homeless youth services, homework help, recreational programs, employment and career planning, college prep and conflict resolution in the Town of Huntington funded through the Town's Youth Bureau; and

WHEREAS, Resolution 2011-539 authorized the Supervisor to execute agreements on behalf of the of the Youth Bureau for the year 2012 with non-profit organizations to provide essential social and human services programs at significantly reduced funding levels; and

WHEREAS, the Town Board wishes to restore some of the previously eliminated funding based on identified savings in the 2012 Budget so as to continue to maintain access to these services for its residents through programs provided by said not-for-profit organizations; and

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, the administrative function of rescinding a resolution and the provision of services pursuant to these agreements are not actions as defined by 6 N.Y.C.R.R. Section 617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY RESCINDS Town Board Resolution 5011-539 in its entirety; and

HEREBY AUTHORIZES the Supervisor, on behalf of the Town of Huntington Youth Bureau, to execute agreements and any other documents in connection therewith for the provision of services pursuant to the Town's Comprehensive Youth Plan for the year 2012 with the following agencies on such terms and conditions as may be acceptable to the Town Attorney:

Tri Community and Youth Agency, Inc. (Region I).
West Hills Rd., Hunt., Sta., NY 11746

\$537,400.00

Youth Directions and Alternatives, Community and Youth Agency, Inc (Region II)	\$385,183.00
7 Diane Court, E. Npt., NY 11731	

Regional Enrichment Agency of Commack and Half Hollow Hills, Community and Youth Agency, Inc. (Region III)	\$310,111.00
525 Hall Hollow Rd., Dix Hills, NY 11746	

Family Service League of Suffolk County, Inc.	\$297,141.00
790 Park Ave., Hunt., NY 11743	

Long Island Crisis Center, Inc	\$ 15,594.00
2740 Martin Ave., Bellmore, NY 11710	

C.A.S.T. Program	\$ 40,000.00
Tri-Community and Youth Agency, Inc. (Region I)	
West Hills Rd., Hunt. Sta., NY 11746	

Huntington Youth Bureau Youth Development Research Institute, Inc. (Non Drug related)	\$832,068.00
423 Park Ave., Hunt., NY 11743	

Huntington Youth Bureau Youth Development Research Institute, Inc. (Drug related)	\$823,568.00
423 Park Ave., Hunt., NY 11743	

BE IT UNDERSTOOD that services provided pursuant to the above agreements shall be financed with funds provided by the Town of Huntington (Operating Budget Items A7320.4001 & A4220.4001), Local Villages, the New York State Office of Children and Family Services, Suffolk County Youth Bureau, Dept. of Health and Human Services, Suffolk Dept. of Health; and

BE IT FURTHER RESOLVED that the Supervisor is authorized to execute amendments to these agreements in order to adjust the amounts approved in this resolution, based on changes in funding provided by County and State sources without additional contributions by the Town of Huntington, subject to such terms and conditions as may be acceptable to the Town Attorney; and

HEREBY AUTHORIZES the Comptroller to amend the Town's Operating Budget as necessary to reflect the changes in funding provided by County and State sources, upon execution of all required documentation, not to exceed the funded amount on the executed amendments; and

2012-25

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendment to the 2012 Operating Budget to restore funding for youth services grants:

Increase the following Appropriations:

A7320-4001	Youth Services- Contractual	\$67,500
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Decrease the following Appropriations:

A9060-8070	Health Insurance	\$67,500
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VOTE: AYES: 2 NOES: 2 ABSTENTIONS: 1

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilwoman Eugene Cook	ABSTAIN
Councilman Mark A. Cuthbertson	NO
Councilman Mark Mayoka	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY **DEFEATED.**

RESOLUTION RESCINDING RESOLUTION NO. 2011-540 AND AUTHORIZING THE SUPERVISOR TO EXECUTE AGREEMENTS ON BEHALF OF THE DEPARTMENT OF HUMAN SERVICES FOR THE YEAR 2012

Resolution for the Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington annually enters contractual relationships with essential not-for-profit social and human service providers that offer assistance to Huntington residents funded through the auspices of the Department of Human Services; and

WHEREAS, Resolution 2011-540 authorized the Supervisor to execute agreements on behalf of the Department of Human Services for the year 2012 with essential not-for-profit social and human service providers at significantly reduced funding levels; and

WHEREAS, the Town Board desires to restore some of the previously eliminated funding based on identified savings in the 2012 Budget so as to continue the critical social and human services that assist many residents of the Town of Huntington provided by the referenced not-for-profit organizations; and

WHEREAS, under Section 51 of Town Law, the Town Board of a suburban town shall be the appropriating governing body of said town and shall have and exercise all power and duties as are conferred or imposed upon it and one such power and duty is to approve all budgetary amendments; and

WHEREAS, the administrative function of rescinding a resolution and the provision of services pursuant to these agreements are not actions as defined by 6 N.Y.C.R.R. Section 617.2(b) and, therefore, no further SEQRA review is required.

NOW THEREFORE, THE TOWN BOARD

HEREBY RESCINDS, Resolution No. 2011-540 in its entirety; and

AUTHORIZES the Supervisor, to execute agreements, and any other documents in connection therewith, for the provision of services, pursuant to the indicated appropriations, for the year 2012 with the following agencies, and upon such other terms and conditions as may be acceptable to the Town Attorney:

<u>CONTRACTOR</u>	<u>APPROPRIATION</u>	<u>AMOUNT</u>
CHILD CARE COUNCIL OF SUFFOLK, INC. 60 Calvert Avenue, Commack, NY 11725		
Parent Leadership Initiative	A 6770.4014	\$ 9,500
Childcare Enhancement	A 6770.4021	\$31,500
FAMILY SERVICE LEAGUE, INC. 790 Park Avenue, Huntington, NY 11743		
Emergency Housing Relocation	A 6770.4025	\$58,000
Work Plus	A 6770.4016	\$29,500
Elderlink	A 6770.4039	\$ 11,850
SeniorNet	A 6770.4055	\$ 9,750
FEDERATION OF ORGANIZATIONS, INC. 1 Farmingdale Road, W. Babylon, NY 11704		
Foster Grandparents	A 6770.4013	\$ 10,220
HUNTINGTON BREAST CANCER ACTION COALITION, INC. P.O. BOX 1446, Huntington, NY 11743		
Lend A Helping Hand	A 6770.4053	\$10,000
Students and Scientists Program	A 6770.4056	\$ 4,800
LITERACY SUFFOLK, INC. 627 N. Sunrise Service Road, Bellport, N.Y.11713	A 6312.4001	\$ 9,500
PEDERSON-KRAG CENTER, INC. 55 Horizon Drive, Huntington, N.Y. 11743		
Mental Health Programs	A4225.4001	\$10,400
Bi-Lingual Social Worker Huntington Station	A4225.4001	\$12,000

HEREBY AUTHORIZES the Comptroller to make the following budgetary amendment to the 2012 Operating Budget to restore funding for social and human services grants:

Increase the following Appropriations:

A6312-4001	Literacy Volunteers of America	\$ 4,500
A4225-4001	Pederson Krag-Mental Health Program	\$ 5,400
A4225-4013	Foster Grandparents Program	\$ 5,220
A6770-4014	SC Childcare Council- Parents Initiative	\$ 4,500
A6770-4016	Family Service League-Work Plus	\$ 4,500
A6770-4021	SC Childcare Council-Childcare Enhancement	\$31,500
A6770-4025	Family Service League-Emergency Housing	\$18,000
A6770-4039	Family Service League-Elderlink	\$ 5,850
A6770-4055	Family Service League-SeniorNet	\$2,250
A6770-4056	Huntington Breast Cancer-Students and Scientists	\$1,800

Decrease the following Appropriations:
A9060-8070 Health Insurance

\$83,520

VOTE: AYES: 2 NOES: 2 ABSTENTIONS: 1

Supervisor Frank P. Petrone
Councilwoman Susan A. Berland
Councilman Eugene Cook
Councilman Mark Cuthbertson
Councilman Mark L. Mayoka

AYE
AYE
ABSTAIN
NO
NO

THE RESOLUTION WAS THEREUPON DECLARED DULY **DEFEATED.**

2012-27

ENACTMENT: AMEND THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE II, §2-3, SCHEDULE C.

RE: FIFTH AVENUE, EAST NORTHPORT, DRIVEWAY - PROHIBITED TURNS

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN CUTHBERTSON, COUNCILMAN COOK**

THE TOWN BOARD having held a public hearing on the 13th day of December, 2011, to consider amending the Uniform Traffic Code of the Town of Huntington, and due deliberation having been had,

HEREBY AMENDS

the Uniform Traffic Code of the Town of Huntington, Chapter 2, Traffic Regulations; Article II, Turning Movements; §2-3, Prohibited Turns; Schedule C.

<u>LOCATION</u>	<u>CONTROLLING TRAFFIC</u>	<u>PROHIBITED TURN</u>	<u>HOURS/DAYS</u>
ADD: Driveway on north side of 5 th Avenue 110 feet west of Furwood Drive (ENP)	South from driveway	Left	7:30 a.m. to 9:30 a.m., 3:00 p.m. to 4:00 p.m. School Days

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark L. Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-28

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 32-2011
AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 164
(SEWER USE MANAGEMENT), ARTICLE II (DISPOSAL REGULATIONS)

Resolution for Town Board Meeting dated: January 10, 2012

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD having held a public hearing on the 13th day of December, 2011 at 7:00 p.m. to consider adopting Local Law Introductory No. 32-2011, amending the Code of the Town of Huntington, Chapter 164 (Sewer Use Management), Article II (Disposal Regulations); and due deliberation having been had,

HEREBY ADOPTS

Local Law Introductory No. 32-2011 amending the Code of the Town of Huntington, Chapter 164 (Sewer Use Management), Article II (Disposal Regulations); as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

LOCAL LAW NO. 1 -2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 164 (SEWER USE MANAGEMENT)
ARTICLE II (DISPOSAL REGULATIONS)

Section 1. Amendment to Chapter 164 (Sewer Use Management), Article II (Disposal Regulations) of the Code of the Town of Huntington; as follows:

CHAPTER 164
(SEWER USE MANAGEMENT)

* * *

ARTICLE II
(DISPOSAL REGULATIONS)

* * *

§164-6.1. Parcels lying in part or in whole outside district boundaries.

* * *

F. Conditions of approval. All approvals by the Board shall be deemed subject to the further approval of the District Superintendent as to the nature, scope and method of connecting to district facilities, and the equipment and materials to be used by the

applicant. Town Board approvals shall also be conditioned on the following, whether or not specifically referenced in the resolution of the Board:

* * *

(5) The one-time payment [Payment] of impact fees which shall be calculated and paid as set forth in this chapter, [and an annual user's fee to off-set the cost of processing and treating the wastewater. The user's fee shall be based on the most recent assessed valuation of the property and the latest sewer tax rate, and incorporated as part of the real property tax bill of the owner and collected at the same time and in the same manner as other town levies.]

(6) Payment of an annual user's fee to off-set the cost of processing and treating the wastewater discharged from the portion of the property located outside district boundaries. The user's fee to be included within a contract to use district facilities shall be in addition to any other fee established in this chapter or by the district, or by contract, and shall be incorporated as part of the real property tax bill of the owner and collected at the same time and in the same manner as other town levies or may be billed by the District separately, at the option of the District. The user's fee to be charged to not-for profits organized and existing pursuant to the New York State Not-For-Profit Corporation Law or §501(c)(3) of the Internal Revenue Code, and all other residential, industrial, and commercial users for each year of the agreement shall be calculated by multiplying the most recent annual assessed valuation of the property by the latest sewer tax rate plus twenty (20%) percent.

(7) [(6)] * * *

(8) [(7)] * * *

* * *

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE
 *** INDICATES NO CHANGE TO PRESENT TEXT
 DELETIONS ARE INDICATED BY [BRACKETS]

2012- 28

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED

2012- 29

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 33 - 2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE IV (COMMERCIAL DISTRICTS), SECTION 198-22 (C-1 OFFICE-RESIDENCE DISTRICT).

Resolution for Town Board Meeting dated: January 10, 2012

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILMAN COOK**

WHEREAS, there is a discrepancy in the Zoning Code regarding the C-1 Office-Residence District because multiple-family dwellings are not mentioned under the C-1 regulations listed in §198-22, but multiple-family dwellings are listed as a permitted use in the C-1 zone on the Height, Area, and Bulk Chart found in §198-55; and

WHEREAS, there was an obvious intent to include multiple-family dwellings as a permitted use since dimensional regulations were created that are specific to multiple-family dwellings; and

WHEREAS, the Housing chapter of the Horizons 2020 Comprehensive Plan recommends diversification of our housing stock by locating higher-density residential uses in transitional areas between commercial and lower-density residential uses and that hamlet centers are appropriate locations for small-scale high-density residential development where compatible with surrounding properties, and these recommendations relate to the purpose of the C-1 Office-Residence District as stated in §198-22 and the 1965 Comprehensive Town Plan; and

WHEREAS, the Town Board, 100 Main Street, Huntington, NY 11743 is the Lead Agency as it is the only agency authorized to amend the Huntington Town Code; and

WHEREAS, this action is classified as Unlisted because it does not meet any of the Type I or Type II criteria pursuant to SEQRA §617.4 & §617.5;

NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby adopts the Environmental Assessment Form prepared by the Department of Planning and Environment and issues a Negative Declaration in accordance with Article 8 of the Environmental Conservation Law on the proposed Zoning Code amendment, and additional information concerning the SEQRA process can be obtained from the Department of Planning and Environment, 100 Main St., Room 212, Huntington, NY 11743, phone: (631) 351-3196, e-mail: planning@huntingtonny.gov; and

BE IT FURTHER RESOLVED

2012-29

THE TOWN BOARD, having held a public hearing on the 13th day of December, 2011 at 7:00 PM to consider adopting Local Law Introductory No. 33 - 2011 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article IV (Commercial Districts), Section 198-22 (C-1 Office-Residence District), and due deliberation having been had;

HEREBY ADOPTS Local Law Introductory No. 33 – 2011 as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. 2 - 2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING) ARTICLE IV (COMMERCIAL DISTRICTS)
SECTION 198-22 (OFFICE-RESIDENCE DISTRICT)

Section 1. Amendment to Chapter 198 (Zoning), Article IV (Commercial Districts), Section 198-22 (C-1 Office-Residence District) of the Code of the Town of Huntington, as follows:

CHAPTER 198 (ZONING)
ARTICLE IV (COMMERCIAL DISTRICTS)

* * *

§ 198-22. C-1 Office-Residence District.

The regulations set forth in this article or set forth elsewhere in this chapter and applicable to the C-1 Office-Residence District are intended to encourage office development of a high character compatibly mixed with residence uses, principally for areas in which a similar pattern of use has occurred or for areas in which an office-residence pattern is appropriate between high-intensity commercial districts and residential neighborhoods.

A. Use regulations. In the C-1 Office-Residence District, a building or premises shall be used only for the following purposes:

* * *

(7) Multiple-family dwellings.

* * *

Section 2. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date

This Local Law shall take effect immediately upon filing in the Offices of the Secretary of State of New York.

* * * INDICATES NO CHANGE TO PRESENT TEXT
 ADDITIONS ARE INDICATED BY UNDERLINE
 DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 3 NOES: 2 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	NO
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	NO

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

2012-30

ENACTMENT: ADOPT LOCAL LAW INTRODUCTORY NUMBER 30 - 2011 AMENDING THE CODE OF THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE VI (HISTORIC LANDMARKS AND DISTRICTS), §198-42 (DESIGNATION OF SITES AND BUILDINGS), TO DESIGNATE AS AN HISTORIC LANDMARK THE BUILDING AND PROPERTY KNOWN AS THE OLD HALF HOLLOW SCHOOLHOUSE, 5 SEAMAN NECK ROAD, DIX HILLS.

Resolution for Town Board Meeting dated: January 10, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN COOK**

THE TOWN BOARD having held a public hearing on the 13th day of December, 2011 to consider adopting Local Law Introductory No. 30 - 2011 amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article VI (Historic Landmarks and Districts), §198-42 (Designation of Sites and Buildings), to designate as an historic landmark the buildings and property known as the Old Half Hollow Schoolhouse, 5 Seaman Neck Road, Dix Hills, and due deliberation having been had;

HEREBY ADOPTS the report of the Huntington Historic Preservation Commission submitted to the Town Board pursuant to the Code of the Town of Huntington §198-40.3, attached hereto as Exhibit A and made a part of this resolution, setting forth the findings and recommendations of the Commission in support of the historic landmark designation of the buildings and property known as the Old Half Hollow Schoolhouse, 5 Seaman Neck Road, Dix Hills; and

HEREBY ADOPTS Local Law Introductory No. 30 - 2011 as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON AS FOLLOWS:

LOCAL LAW NO. 3 - 2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON CHAPTER 198
(ZONING) ARTICLE VI (HISTORIC LANDMARKS AND DISTRICTS)
§198-42 (DESIGNATION OF SITES AND BUILDINGS)

Section 1. Amendment to Chapter 198 (Zoning), Article VI (Historic Landmarks and Districts), §198-42 (Designation of Sites and Buildings) of the Code of the Town of Huntington is hereby amended to read as follows:

CHAPTER 198 (ZONING)
ARTICLE VI (HISTORIC LANDMARKS AND DISTRICTS)
§198-42 (DESIGNATION OF SITES AND BUILDINGS)

§198-42. Designation of Sites and Buildings

* * *

B. Each of the following buildings or landmarks is hereby defined and designated by the Town Board as an historic building, site or landmark, and each shall be appropriately delineated by metes and bounds and/or by the section, block and lot number of the Suffolk County Tax Map and/or street address:

* * *

(113) Old Half Hollow Schoolhouse, 5 Seaman Neck Road, Dix Hills, SCTM# 0400-275-02-143.

* * *

Section 2. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date

This Local Law shall take effect immediately upon filing in the Offices of the Secretary of State of New York.

*** INDICATES NO CHANGE TO PRESENT TEXT

ADDITIONS ARE INDICATED BY UNDERLINE

DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: GRANT A LICENSE AGREEMENT TO OPERATE A
RESTAURANT AND SNACK BAR AT CRAB MEADOW BEACH, NORTHPORT,
NEW YORK TO LA CASA CAFÉ INC.

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Supervisor Petrone, **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN CUTHBERTSON, COUNCILMAN MAYOKA**

WHEREAS, the Town wishes to engage the services of a qualified licensee to operate a restaurant and snack bar for the Town's Crab Meadow Beach facility in Northport, New York. The lessee will have exclusive rights to the sale of any and all food, beverages and snacks at both the restaurant and snack bar; and

WHEREAS, requests for proposals were received on September 30, 2011, by the Town of Huntington Director of Purchasing, 100 Main Street, Huntington, New York, for operation of a restaurant and snack bar at Crab Meadow Beach, Northport, New York, RFP No. 2011-09-009 and the same were opened and read aloud; and

WHEREAS, the execution of a license agreement is a Type II action under SEQRA, pursuant to 6 N.Y.C.R.R. §617.5 (c) (20) and therefore, no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD, having held a public hearing on the 10th day of January 2012, to consider granting a license agreement to La Casa Café, Inc., and due deliberation having been made,

HEREBY GRANTS a license agreement to La Casa Café, Inc. 7 Barbara Anne Street, Manorville, New York 11949 to operate a restaurant and snack bar for Town's Crab Meadow Beach facility in Northport, New York, and authorizes the Supervisor to execute any documents in connection therewith. The license agreement will be for a period of ten (10) years commencing upon contract execution, with an optional two (2) five (5) year extensions, at the Town's discretion; in consideration for the payment of the following by the La Casa Café, Inc., to be deposited into revenue account A 2410 : Year 1- \$56,500.00; Year 2- \$58,000.00; Year 3- \$65,861.50; Year 4- \$65,861.50; Year 5- \$66,238.00; Year 6- \$67,926.00; Year 7- \$69,664.00; Year 8- \$81,454.00; Year 9- \$83,298.00; and Year 10- \$85,197.00 and upon such other terms and conditions as may be acceptable to the Town Attorney

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE II, §2-3, SCHEDULE C.

RE: RULAND ROAD, MELVILLE - PROHIBITED TURNS.

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN COOK**

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding turning restrictions are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)16(c)(20) and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the **6th** day of **February**, 2012, at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 2, Traffic Regulations; Article II, Turning Movements; §2-3, Prohibited Turns; Schedule C.

<u>LOCATION</u>	<u>CONTROLLING TRAFFIC</u>	<u>PROHIBITED TURN</u>	<u>HOURS/DAYS</u>
ADD: Driveway on north side of Ruland Road 175 feet east of Broadhollow Road (Rt. 110). (MVL)	South from driveway	Left	-----

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 2, ARTICLE II, §2-3, SCHEDULE C.

RE: HOLDSWORTH DRIVE, HUNTINGTON - PROHIBITED TURNS.

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **COUNCILMAN MAYOKA, SUPERVISOR PETRONE**

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding turning restrictions are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)16(c)(20) and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the **6th** day of **February**, 2012, at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 2, Traffic Regulations; Article II, Turning Movements; §2-3, Prohibited Turns; Schedule C.

<u>LOCATION</u>	<u>CONTROLLING TRAFFIC</u>	<u>PROHIBITED TURN</u>	<u>HOURS/DAYS</u>
ADD: Holdsworth Drive at North entrance to Huntington High School 250 feet east of Oakwood Road (HUN)	East and West on Holdsworth Drive	U-turn	-----

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

*Holdsworth Dr., Huntington/Prohibited Turns-Public Hearing
Transportation & Traffic Safety/aa
12/28/2011 12:29 PM*

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER AMENDING
THE UNIFORM TRAFFIC CODE OF THE TOWN OF HUNTINGTON, CHAPTER 3,
ARTICLE II, §3-3, SCHEDULE J.

RE: SWEET HOLLOW ROAD, MELVILLE – PARKING RESTRICTIONS.

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILWOMAN BERLAND**

and seconded by: **COUNCILMAN CUTHBERTSON**

WHEREAS, amendments to the Uniform Traffic Code of the Town of Huntington regarding turning restrictions are classified as Type II actions pursuant to SEQRA, 6 N.Y.C.R.R. §617.5 (c)16(c)(20) and (c)27, and therefore, no further SEQRA review is required.

NOW THEREFORE

THE TOWN BOARD

HEREBY SCHEDULES A PUBLIC HEARING for the **6th** day of **February**, 2012, at **7:00** p.m. at Town Hall, 100 Main Street, Huntington, New York, to consider amending the Uniform Traffic Code of the Town of Huntington, as follows:

Under Chapter 3, Parking Regulations; Article II, Parking, Standing and Stopping Regulations; §3-3, Designation of Areas and Restrictions; Schedule J.

	<u>NAME OF STREET/SIDE LOCATION</u>	<u>REGULATION</u>	<u>HOURS/DAYS</u>
ADD:	Sweet Hollow Road/North From Old Walt Whitman Road To Old Country Road. (MVL)	No Parking	-----
	Sweet Hollow Road/South From 440 ft. east of Old Country Road To 465 ft. east of Old Country Road (MVL)	No Stopping	-----
	Sweet Hollow Road/South From 810 ft. east of Old Country Road To 1010 ft. east of Old Country Road (MVL)	No Stopping	-----

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ACQUIRING EAST NORTHPORT PROPERTY (BARTA)

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, on November 3, 1998 the voters of the Town of Huntington approved the establishment of the \$15 million Environmental Open Space and Park Fund; on November 4, 2003 Huntington voters extended the program by an additional \$30 million; and on November 4, 2008 voters extended the initial \$15 million program by an overwhelming 75% margin, and

WHEREAS, the Environmental Open Space and Park Fund Review Advisory (EOSPA) Committee

- nominated a 0.83-acre property, SCTM 0400-175-03-084.001, located at 250 Clay Pitts Road in East Northport;
- conducted a field investigation;
- received written indication from the property owner's representative that there is a potentially willing seller; and
- recommended that the Town Board pursue acquisition for active park use as an addition to William Byrne Park; and

WHEREAS, the Town Board wishes to proceed with acquisition for this specific real property as recommended by the EOSPA Committee; and

WHEREAS, prior to acquiring an interest in the property, a public hearing is required to be held pursuant to General Municipal Law §247, and

WHEREAS, prior to completing the acquisition of the subject property, the Town Board has determined that its action to acquire the property is classified as Unlisted pursuant to SEQRA, and the Town Board is the only agency "involved" in authorizing expenditures against the EOSPA Program funds, and therefore has been established as lead agency, and

WHEREAS, the Department of Planning and Environment has prepared a short Environmental Assessment Form for the proposed action to facilitate completion of the necessary SEQRA evaluation prior to the Town Board authorizing any action;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board finds, on review of the short form EAF, there shall be no significant adverse impacts associated with acquisition of the property for park purposes and hereby issues a Negative Declaration pursuant to SEQRA, and

BE IT FURTHER

RESOLVED, that the Town Board hereby schedules a public hearing pursuant to General Municipal Law §247.2 for the 6th day of February, 2012 at 7:00 p.m. at Huntington Town Hall, 100 Main Street, Huntington, New York to consider acquiring the identified Barta Property as an addition to William Byrne Park; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Town Attorney and Special EOSPA Committee Counsel to take the necessary actions to obtain an appraisal and, upon receipt of such appraisal, to facilitate negotiation of a contract to purchase the property identified above; and

BE IT FURTHER

RESOLVED, that the Town Board hereby authorizes the Comptroller to appropriate funds from Budget Item PL7197-2109-L1001 as necessary for the appraisal.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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RESOLUTION SCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING
LOCAL LAW INTRODUCTORY NO. 1 -2012 AMENDING THE CODE OF
THE TOWN OF HUNTINGTON, CHAPTER 198 (ZONING), ARTICLE XX
(ACCESSORY APARTMENTS)

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town Board intends to update the code in compliance with recent decisional law, and exercise its authority pursuant to Town Law §274-b and the Municipal Home Rule Law in the administration and determination of applications for the issuance, renewal and revocation of accessory apartment permits; and

WHEREAS, pursuant to §617.5 (c)(20) and (27) of SEQRA, regulations amending the Code of the Town of Huntington are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of regulations, policies, procedures and legislative decisions in connection with any Type II action", and therefore, this proposal, a Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby schedules a public hearing for the **6th** day of February, 2012 at **7:00** p.m., at Town Hall, 100 Main Street, Huntington, New York, to consider adopting Local Law Introductory No. 1 -2012, amending the Code of the Town of Huntington, Chapter 198 (Zoning), Article XX (Accessory Apartments); as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

LOCAL LAW INTRODUCTORY NO. **1** - 2012
AMENDING THE CODE OF THE TOWN OF HUNTINGTON
CHAPTER 198 (ZONING)
ARTICLE XX (ACCESSORY APARTMENTS)

Section 1. Chapter 198 (Zoning), Article XX (Accessory Apartments), is hereby amended as follows:

CHAPTER 198
ZONING

ARTICLE XX
ACCESSORY APARTMENTS

198-132. Legislative intent.

* * *

F. It is the intention of the Town Board to exercise its authority pursuant to Municipal Home Rule and Town Law §274-b to empower the Zoning Board of Appeals to hear and determine applications for accessory apartment permits in accordance with this article.

§198-133. Permit required; prohibitions; presumptions.

A. Conditional Use. In residence districts where authorized by this Chapter, an accessory apartment may be maintained as a conditional use only by permission of the [Hearing Officer] Zoning Board of Appeals and upon compliance with the requirements of this Article, the Code of the Town of Huntington, [the New York State Uniform Fire Prevention and Building Code] the Fire Code and Property Maintenance Code of the State of New York, the Residential Code of the State of New York and the [conditions,] rules [and/or] and regulations of any other agency having jurisdiction, including such reasonable conditions as may be imposed by [such Hearing Officer] the Zoning Board of Appeals. In reviewing applications for accessory apartments, [the Hearing Officer] the Zoning Board shall consider the factors set forth in this Article instead of supplementary regulations for conditional uses set forth elsewhere in this Chapter.

* * *

§198-134. Accessory apartment permit; conditions.

A. An accessory apartment permit shall be issued only after a public hearing held pursuant to §198-137 and upon a finding by the [hearing officer] Zoning Board of Appeals that the following conditions are satisfied.

* * *

(6) All structures on the property, including the proposed accessory apartment, comply with the requirements of this Article, the Code of the Town of Huntington, the Fire Code and Property Maintenance Code of the State of New York, the Residential Code of the State of New York, [the New York State Building Codes,] and the rules and regulations of any other agency having jurisdiction. No portion of a single family dwelling or accessory apartment shall utilize a cellar or attic, or any portion thereof, as habitable space unless a waiver is issued by the New York State Building Code Board of Review, its successor in interest, or other agency having jurisdiction.

(7) Is situated on a lot providing three (3) unobstructed off-street parking spaces for each dwelling unit so contained. Such spaces shall be paved with asphalt, concrete or

other suitable material of a permanent nature as may be approved [by the Hearing Officer] by the Zoning Board of Appeals. The maximum width of such spaces shall not exceed eighteen (18) feet or twenty-four (24%) percent of the lot frontage whichever is less. The number of off-street parking spaces required may be increased or decreased as conditions warrant in the discretion of the [Hearing Officer] Zoning Board of Appeals for good cause shown.

(8) Unless otherwise provided in this Article, the lot for which the accessory apartment permit is sought is not located in an area where ten (10%) percent or more of the lots within a one-half-mile radius of the subject parcel contain accessory apartments. The Hearing Officer may [vary] recommend, and the Zoning Board may approve, a variance of this requirement when, due to the sparsity of development in the surrounding area, it is not practicable to maintain the ten-percent cap on accessory apartments.

(9) No accessory apartment may be contained in any building or structure other than the main building on any lot. A homeowner shall be granted only one (1) accessory apartment permit, and only one (1) accessory apartment shall be permitted per dwelling and per lot.

B. The Hearing Officer shall specifically address and the Zoning Board of Appeals shall [also] find, prior to the issuance of an accessory apartment permit, that:

(1) The proposed accessory apartment [contemplated] will be properly located and serviced with respect to water supply, waste disposal, fire protection and other public amenities.

(2) The proposed accessory apartment [contemplated] will not substantially contribute to traffic congestion or traffic hazards.

(3) All structures, landscaping and paving on a lot on which an accessory apartment is located shall be maintained in a neat and clean manner, including but not limited to driveways, walkways, sidewalks adjoining the subject parcel, exterior shingles, paint, shutters and trim, as well as landscaping, lawns and shrubbery. [The Town or its designee reserves the right to enter onto the subject property after fifteen (15) days' written notice sent by regular United States mail with proof of mailing being a United States postal service certificate of mailing to the then owner at the subject address to remove litter, debris or maintain or replace any fencing or planting if found that the improvements are not being maintained, and the Town or its designee shall bill the owner for any expense incurred. Should the owner not timely pay such bill, the costs incurred by the Town or its designee shall be filed as a lien against the real property and added to the next succeeding tax bill for the property.]

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(4) The proposed accessory apartment [contemplated] will not [adversely affect] have a significant adverse impact on the value of [surrounding and] neighboring properties or overall land-use density in the surrounding area.

* * *

C. As a condition to issuance of an accessory apartment permit, the Hearing Officer may recommend and the Zoning Board of Appeals may impose [whatever] such condition(s) [he/she deems] as deemed proper and necessary upon the apartment, the single-family dwelling structure, and/or the property to preserve the character of the neighborhood and/or [to protect] the health, safety and welfare of neighboring residents.

D. The issuance of an accessory apartment permit shall be specifically conditioned upon the following:

(1) An inspection by the Director of [the Department of] Public Safety, or his/her designee, for the purpose of determining whether the proposed accessory apartment is in compliance with the Code of the Town of Huntington, the Fire Code and Property Maintenance Code of the State of New York, the Residential Code of the State of New York, [the New York State Uniform Fire Prevention and Building Code and/or] and the rules and regulations of any other agency having jurisdiction. The failure to schedule an inspection after due notice from the Town or resisting, obstructing and/or impeding the agents, servants, officers and/or employees of the Town of Huntington during an inspection of the premises shall be a violation of this Article and subject to the fines and penalties provided herein. A fee of seventy-five (\$75) dollars shall be imposed upon the owner of the property for each inspection that is required to be rescheduled.

(2) A duly executed sworn affidavit signed by the applicant affirming that no other apartment is being maintained, owned or operated on the subject property in violation of the Accessory Apartment Law. Additionally, the affidavit shall set forth that all conditions underlying the issuance of an accessory apartment have been met. The sworn affidavit shall be created by and filed with the Accessory Apartment Bureau. This requirement is waived upon a full consensual inspection of all structures on the property as set forth [under Subsection D(1) of this section] (D)(1) herein.

(3) The right of the Director of Public Safety, or his/her designee, in the event of [an] a declared emergency [as determined by the Director], and upon notice to the property owner, to enter upon any portion of the premises to protect the health, safety and welfare of residents or to perform any duty required of him/her under the Code of the Town of Huntington, the Fire Code and Property Maintenance Code of the State of New York, the Residential Code of the State of New York, [the New York State Building Codes] or rules and regulations of any other agency having jurisdiction. Any person or business entity who resists, obstructs or impedes the agents, servants, officers or employees of the Town of Huntington in the performance of their duties in the course of an emergency shall be in violation of this Article and subject to the fines and penalties provided herein.

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(4) The inclusion in any lease, rental or other agreement for the occupancy of said apartment, a statement disclosing that the provisions of [Subsections D(1),] (D)(1), (2) and (3) [herein] are conditions to the issuance of the accessory apartment permit.

* * *

§198-135. Term of permit. A permit for an accessory apartment shall remain in effect until the earlier of the following occurrences:

A. One (1) year from the date an [application for an] accessory apartment permit is [granted by the Hearing Officer] issued by the Accessory Apartment Bureau; or

B. Transfer of title of a single-family [dwelling] structure containing an accessory apartment, except that a permit for an owner-occupied [dwelling] structure may be transferred if the new owner(s) files an application for a transfer of the permit [under § 198-136F(1)] pursuant to §198-136(F)(1) and (2), within ninety (90) days of the closing of title, and the main dwelling will be or is the principal residence of the new owner upon sale. Such transfer of the permit will not take effect until the new owner(s) submits a complete application and such application is recommended for approval by the Hearing Officer, and approved by the issuance of a statement of determination by the Zoning Board of Appeals. A current permit will be null and void at the expiration of such ninety-day period where a transfer of ownership has occurred without the required application for a transfer of a permit having been filed. In the event an application for a transfer of an accessory apartment permit has not been filed by the new owner(s) in violation of this Article, there shall be a presumption that an accessory apartment is being operated, used, rented, leased and/or maintained by the new owner(s) in violation of law; or

C. Upon a determination by the [Hearing Officer] Zoning Board of Appeals [, after a public hearing,] that the permit holder and/or occupant(s) of the dwelling unit(s) located within the [residence building] residential structure [are guilty of a violation as set forth in § 198-141A] has violated a condition of the permit pursuant to §198-141 and the permit is revoked; or

* * *

§198-136. Application for a permit, permit renewal and transfer of permit; fees.

* * *

B. Applications [authorized by Subsection A] shall set forth the following:

- (1) The name, [and] address, contact number(s) and e-mail address of the property owner.
- (2) The [street and post office address of the premises at which an accessory apartment is contemplated, together with] location and Suffolk County

Tax Map [description] Number of the property where an accessory apartment is proposed or a transfer or renewal of a permit is requested.

- (3) Such other information as [said] the Hearing Officer or Zoning Board of Appeals may require [in furtherance of his/her authority under this article].

C. All [Applications authorized by Subsection A] applications shall be accompanied by:

* * *

D. Applications for an accessory apartment permit, or for a renewal or transfer thereof, shall be accompanied by a duly executed and acknowledged written consent of the applicant authorizing an inspection of the premises under review as set forth in [§198-134D] §198-134(D).

E. Renewals.

(1) Any permit issued under this article may be renewed for an additional term [as provided in Subsection A] by application as in the event of an original application. The notice and/or hearing requirements of § 198-137 shall not apply to applications for renewal, except that the Hearing Officer shall have the authority to require a hearing on notice when, in his/her discretion, special circumstances exist which would require public input.

* * *

F. Transfer of permits.

(1) An accessory apartment permit, except for a permit issued pursuant to [the principal residence exception hereinafter set forth in § 198-143A,] §198-143(A), may be transferred to a subsequent property owner by application as in the event of an original application and in accordance with [§ 198-135B] §198-135(B). The notice [and/or] and hearing requirements of §198-137 shall not apply to an application for transfer of a permit, except that the Hearing Officer shall have the authority to require a hearing on notice when, in his/her discretion, special circumstances exist which would require public input.

(2) Said transfer application shall be subject to all inspections and payment of the applicable fee.

* * *

§198-137. [Hearing; notice.] Public hearing.

A. [Any application pursuant to the provisions of this article shall require a public hearing on an application under this article, and said Hearing Officer shall fix a time and place for a public hearing thereon.] Unless otherwise provided in this article, an application for an accessory apartment permit shall require a public hearing at a time and place established by the Hearing Officer or the Zoning Board of Appeals, as the case may

be, but in no event later than 62 days from the date a complete application is received, unless extended by mutual consent of the applicant and Hearing Officer/Zoning Board.

B. Notice of public hearing. [(1)] Notice of the public hearing before the Hearing Officer shall be drafted by the Town, and shall state the time and place of the hearing, the location of the property which is the subject of the application, and that an application has been made for a permit to maintain an accessory apartment.

[(2)] [Notice of the public hearing shall state the time and place thereof, the location of the premises affected by the application and that application has been made to the Hearing Officer for a permit to maintain an accessory apartment at those premises.]

[(3)] [Notice of public hearing shall be given to the public by publication in the official Town newspaper once per week for two (2) consecutive weeks prior thereto.]

(1) Publication. Notice of the public hearing shall be published by the Town in the official Town newspaper(s) once per week for two (2) consecutive weeks prior to the scheduled hearing date. The last publication shall be at least five (5) days prior to the scheduled hearing date.

[(4)](2)Mailing. [of notices] The applicant shall mail notices of the public hearing, postmarked no [less] later than [thirty (30)] twenty (20) days before the hearing, to the owners of all [property] properties located within a five-hundred-foot radius of the exterior limits of the applicant's total property holdings as shown on the current tax roll. The applicant shall file [with the secretary/clerk in the accessory apartment office] a United States postal service certificate of mailing for each and every notice [of public hearing as required by this subsection in] mailed no less than five (5) working days before the hearing. Failure to mail the notices or file proof thereof as herein specified [may] shall result in postponement of the public hearing.

§198-138. [Delegation of authority.] Reserved.

[The Town Board of the Town of Huntington hereby delegates to the Hearing Officer the authority to issue permits pursuant to the provisions of this article, as set forth below.]

§198-139. [Appointment; compensation; powers and duties.] Appointment and authority of Hearing Officer.

A. The Hearing Officer shall be appointed by [the Town Attorney] and serve at the pleasure of [shall be compensated at the salary provided by] the Town Board, at a rate of compensation established by the Board. [The Hearing Officer shall be authorized to issue, on behalf of the Town, permits pursuant to the provisions of this article.]

B. The Hearing Officer shall be authorized to adopt rules necessary for the conduct of affairs, in keeping with the provisions of this article, [, and the Comptroller shall make the necessary appropriations accrued as a consequence of the administration of this program].

§198-140. Public Hearings and procedure. An accessory apartment permit may only be issued after a public hearing and compliance with all applicable laws, rules, and regulations.

(A) Administrative Proceedings. The Hearing Officer shall consider the application and evidence, and shall, within sixty-two (62) days of the close of the hearing, submit his or her written findings and recommendations to the Zoning Board of Appeals for ultimate determination. A copy of the Hearing Officer's recommendations shall be filed with the Huntington Town Clerk and served upon the applicant by regular mail and/or certified mail, return receipt requested to the address shown on the application within five (5) business days after a recommendation is rendered.

(1) The applicant and any person aggrieved by the recommendation of the Hearing Officer may, within twenty (20) days from the date of filing of the report with the Town Clerk file written objections, if any, to the findings and recommendations. A copy of the zoning board application shall be enclosed for use by the applicant when the report is mailed. A copy of the Hearing Officer's Report; a complete zoning board application with all required attachments, and any other evidence deemed necessary by the applicant or person aggrieved shall be provided with the objections. The Zoning Board may require additional information or documentation before the application is deemed complete and scheduled for a hearing. All applications to the Zoning Board shall be accompanied by an application fee in an amount set forth in Chapter A204 of the Huntington Town Code, and shall be filed within the prescribed twenty (20) day period. Failure to file a complete application within such period shall be deemed a waiver of the applicant or aggrieved party's right to a public hearing before the Zoning Board unless the Zoning Board, for good cause shown, approves an extension of time. The Zoning Board is authorized to waive the public hearing where there has been no written request for one within the required time period.

(2) If no objection to the report is filed, the Zoning Board of Appeals shall consider the Hearing Officer's recommendation, the application for an accessory apartment permit or permit renewal and may adopt or reject, in whole or in part, any portion thereof as the Board deems advisable or necessary under the circumstances. No public hearing shall be required unless specifically requested by the Zoning Board, and then in such event, the hearing shall be on such notice as set forth in (B) herein. The Zoning Board's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the

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applicant for a permit or permit renewal at the address shown on the application by regular and/or certified mail, return receipt requested.

(B) Zoning Board Proceedings. Any hearing held before the Zoning Board of Appeals shall be on such notice and on such terms as required for other applications for special use permits before the Board. The Zoning Board of Appeals shall consider the application, the Hearing Officer's report, together with such other evidence deemed necessary by the Board, and may adopt or reject, in whole or in part, any portion thereof as the Board deems advisable or necessary under the circumstances. The Zoning Board's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the ZBA applicant at the address shown on the application by regular and/or certified mail, return receipt requested. If the Zoning Board denies an application, no application for the same apartment shall be accepted for filing sooner than one (1) year of the date the denial is filed with the Huntington Town Clerk.

(C) Conduct of hearings. At the hearing before the Hearing Officer or Zoning Board of Appeals, the applicant shall be entitled to be represented by legal counsel and provided with an opportunity to be heard. He may present the testimony of witnesses, experts and other evidence in his own behalf as he deems necessary and relevant to the subject matter of the hearing. All hearings shall be recorded.

[§198-140.] [Meetings; proceedings.]

[A.] [The Hearing Officer shall conduct the affairs delegated to him/her, keeping and maintaining minutes of the proceedings and all records, and shall file the determinations with the Town Clerk as a public record, all in the same manner as he/she does regarding the conduct of all other official business.]

[B.] [The Hearing Officer shall render a written decision within ninety (90) days of the close of the hearing, unless the time is extended for an additional ninety (90) days by the Hearing Officer.]

[C.] [The decision of the Hearing Officer shall be filed in the Office of the Huntington Town Clerk and shall be mailed to the applicant by regular mail to the address shown on the application. In the event an application is denied the Hearing Officer shall set forth the reasons for such denial. If an application has been denied after a public hearing, no application for the same apartment shall be accepted or filed sooner than one (1) year of the date the denial is filed with the Town Clerk.]

§198-141. Revocation, modification or amendment of permit.

(A) All permits shall be subject to revocation by the Zoning Board upon a finding by the Board, after a public hearing held on notice, that the permit holder and/or occupant

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has not complied with one or more conditions of the accessory apartment permit as approved by the Zoning Board.

(B) [(A)] The Department of Public Safety shall notify the Hearing Officer if there has been a violation of the Huntington Town Code, the Residential Code of New York State, the Fire and Property Maintenance Code of the State of New York, the rules of any agency having jurisdiction, or of [violations of the Code of the Town of Huntington, the New York State Uniform Fire Prevention and Building Code or any violation of the conditions] any condition of the accessory apartment permit. The Hearing Officer may recommend that the permit be revoked, amended or modified [revoke, modify or amend a permit issued pursuant to this Article] upon a finding, after a public hearing, that the permit holder [and/or] or any occupant of the building is in violation thereof. [occupant(s) of the dwelling unit(s) located within the residence building are in violation of a condition imposed by the Hearing Officer at the time the accessory apartment permit was granted or renewed, or of any provision of this Article or of the Code of the Town of Huntington, the New York State Uniform Fire Prevention and Building Code or the conditions, rules and/or regulations of any other agency having jurisdiction.]

(C) [(B)] Public hearing. The public hearing shall be held on fifteen (15) days prior written notice to the permit holder [and mailed] by mailing notice to the address shown on the [most current] application, [on file with the Accessory Apartment Bureau,] to the occupant(s) of the building, if known, by mailing notice to the property address, [all dwelling units located within the residence building which shall be mailed to the subject premises,] and to the owners of all properties located within [a distance of] five hundred (500) feet of the property line of the subject premises. If the name(s) of the occupant(s)[,] [is] are not known then the notice shall be addressed to "occupant(s)." The Accessory Apartment Bureau shall [cause said notices to be mailed] mail notices of the public hearing by regular mail and shall file a certificate of mailing with the Hearing Officer no later than five (5) days before the scheduled hearing date. Said notice shall state the nature of the alleged violation(s), the date, time and place of the hearing, [and shall advise the addressee that imposition of civil penalties pursuant to §198-141C(3), if any, in a sum to be determined by the Hearing Officer shall be considered. The Hearing Officer's decision shall be filed in the Huntington Town Clerk's Office, and mailed to the permit holder and to the occupants of all dwelling units located within the residence building in the same manner as the notice of public hearing.]

(D) Administrative proceedings. The Hearing Officer shall consider the matter, and shall, within sixty-two (62) days of the close of the hearing, submit his or her written findings and recommendations to the Zoning Board of Appeals for ultimate determination. A copy of the Hearing Officer's recommendations shall be filed with the Huntington Town Clerk for public inspection and served upon the permit holder by regular mail and/or certified mail, return receipt requested to the address shown on the application, and to the occupants of the building by mailing the report to the property address.

(1) The permit holder and any person aggrieved by the recommendation of the Hearing Officer may, within twenty (20) days from the date of filing of the report with the Town Clerk file written objections, if any, to the findings and recommendations. A copy of the zoning board application shall be enclosed for use by the permit holder when the report is mailed. A copy of the Hearing Officer's Report; a complete zoning board application with all required attachments, and any other evidence deemed necessary by the ZBA applicant shall be provided with the objections. The Zoning Board may require additional information or documentation before the application is deemed complete and scheduled for a hearing. All applications to the Zoning Board shall be accompanied by an application fee in an amount set forth in Chapter A204 of the Huntington Town Code, and shall be filed within the prescribed twenty (20) day period. Failure to file a complete application within such period shall be deemed a waiver of the permit holder or aggrieved party's rights to a public hearing before the Zoning Board of Appeals unless the Zoning Board, for good cause shown, approves an extension of time. The Zoning Board is authorized to waive the public hearing where there has been no written request for one within the required time period.

(2) If no objection to the report is filed, the Zoning Board of Appeals shall consider the Hearing Officer's recommendation, the notice of the Director of Public Safety, and other relevant evidence, and may adopt or reject, in whole or in part, any portion thereof as the Board deems advisable or necessary under the circumstances. No public hearing shall be required unless specifically requested by the Zoning Board, and then in such event, the hearing shall be on such notice as set forth in (C) herein. The Zoning Board's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the permit holder at the address shown on the application and to the occupants of the building at the property address by regular and/or certified mail, return receipt requested.

(E) Zoning Board of Appeals. Any hearing held before the Zoning Board of Appeals shall be on such notice and on such terms as established for revocation, modification, or amendment of special use permits before the Board. The Zoning Board of Appeals shall consider the objections and the Hearing Officer's report, together with such other evidence deemed necessary by the Board, and may adopt or reject, in whole or in part, with or without conditions, any portion thereof as the Board deems advisable or necessary under the circumstances. The Zoning Board's determination shall be final, and shall be filed in the Office of the Huntington Town Clerk and mailed to the permit holder and ZBA applicant, if they are not the same, at the address shown on the application by regular and/or certified mail, return receipt requested and to the occupants of the building at the property address.

(F) Conduct of hearings. At the hearing before the Hearing Officer or Zoning Board of Appeals, the permit holder and occupants of the building shall be entitled to be represented by legal counsel and provided with an opportunity to be heard. They may present the testimony of witnesses, experts and other evidence in their own behalf as they deem necessary or relevant to the subject matter of the hearing. All hearings shall be recorded.

(G) Revocation. If the Zoning Board revokes the special use permit, no application for the same apartment shall be accepted for filing sooner than three (3) years of the date the revocation is filed with the Huntington Town Clerk. If an accessory apartment permit for a non-owner occupied parcel is revoked, the permit shall not be renewed, restored or reissued. It shall be unlawful to operate, maintain, rent, lease, advertise or occupy an accessory apartment if the accessory apartment permit has been revoked, and any person who commits an offense against this section shall be deemed in violation of this article.

(H) Modification and amendment of permit. If the Zoning Board of Appeals modifies or amends a permit, it shall be unlawful to operate, occupy or maintain an accessory apartment in a manner that deviates from the modification or amendment, and any person who commits an offense against this section shall be deemed in violation of this article.

[C.] [Payment of fines and penalties; revocation of permit; civil penalties.]

[(1)] [If after a public hearing, the permit holder and/or occupant(s) is found to be in violation [as set forth in § 198-141A] and the permit is modified or amended by the Hearing Officer, then in that event the accessory apartment permit, as modified or amended, shall not be in effect until all outstanding fines and penalties are fully paid and the premises have been inspected by the Town of Huntington and found to be in full compliance.]

[(2)] [In the event a permit has been revoked by the Hearing Officer after a public hearing, then no application for an accessory apartment permit for the same premises shall be accepted or filed until all outstanding fines and penalties are fully paid; the premises have been inspected by the Town and found to be in full compliance; and three (3) years have passed since the filing of the revocation in the Town Clerk's Office.]

[(3)] [If an accessory apartment permit issued pursuant to the principal residence requirement exception is revoked after a public hearing, the permit shall not be renewed, restored or reissued.]

[(4)] [In addition to any penalty imposed under this Article, the Hearing Officer, after a public hearing held pursuant to § 198-141B, may impose a civil penalty of up to one hundred (\$100) dollars for each day the violation continues until such time as the violation(s) is corrected to the satisfaction of the Town. Any

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civil penalty imposed by the Hearing Officer shall be payable to the Town of Huntington by the property owner within fifteen (15) days of receipt of such decision. If the civil penalty imposed by the Hearing Officer is not paid in full at the expiration of said fifteen (15) days, then upon the recommendation of the Director of Public Safety, said unpaid penalty shall be presented to the Town Board and, if approved, shall be added to the tax bill and levied against the property where the violation has occurred. The Director of Public Safety may, in his discretion, extend the time to pay such civil penalty upon good cause shown at any time before the matter is presented to the Town Board.]

§198-142. [Schedule of Fess.] Annual permit fees.

* * *

§198-143. [Principal residence requirement exception.] Non-owner occupied properties.

(A) [Any principal residence requirement exception permit that had been applied for prior to December 31, 1997, and having been approved by the Hearing Officer shall be permitted to exist until such time as the property is sold by the permit holder or said permit expires without having been renewed in accordance with the provisions of this article.] Any application for an accessory apartment filed prior to December 31, 1997 by a property owner who did not reside at the property and was granted a permit shall be allowed to continue, subject to compliance with the provisions of this chapter, the rules and regulations of any agency having jurisdiction, and the conditions of the permit.

[B.] [(Reserved)]

[C.] [(Reserved)]

[D.](B) Renewal[s.] of permit. [(1)] Any permit issued [under the principal residence requirement exception] for a non-owner occupied property may be renewed for an additional term of one (1) year by application as in the event of an original application. The notice and/or hearing requirement of § 198-137 shall not apply to applications for renewal, except that the Hearing Officer and/or the Zoning Board of Appeals shall have the authority to call a hearing on notice when, [in his/her] in their discretion, special circumstances exist which would require public input. [(2)] Said renewal [application] shall be subject to an inspection [requirements outlined in this article] and payment of the permit fee.

[E.] (C) Nonresident representatives.

(1) All persons who are granted a permit [under the principal residence requirement exception] for non-owner occupied properties and who are not residents of the Town of Huntington shall designate a person who is a resident of the Town of Huntington and notify the Hearing Officer of such designation and to whom they will give power of attorney to act on their behalf in all matters related

to the conditions and requirements of the accessory apartment permit. They also appoint the Huntington Town Clerk to be their representative for the service of process in any matter concerning the accessory apartment. The Clerk's responsibility will be to send a copy of said process to the address of the property owner on file in the office of the Receiver of Taxes and prepare and retain affidavits of mailing of said process.

(2) All persons who are granted a permit [under the principal residence requirement exception] for non-owner occupied properties and who are residents of the Town of Huntington but will absent themselves from the Town for a period in excess of forty-five (45) days shall designate during that period of absence a person who is a resident of the Town of Huntington and who will be present during the permit holder's period of absence to whom the permit holder designates and gives power of attorney to act on the permit holder's behalf in all matters related to the conditions and requirements of the accessory apartment permit and shall notify the Hearing Officer of such designation. [Such procedure for service] Service of process shall be [that] as set forth in [§198-143E(1)] (C)(1) above.

§198-144. [Principal residence requirement exception; term of permit.] Non-owner occupied permits; term of permit. A permit for an accessory apartment issued [pursuant to the principal residence requirement exception provisions of this article] to an owner who does not reside at the property shall remain in effect until the earlier of the following occurrences:

- A. One (1) year from the date an application for an accessory apartment permit is [granted by the Hearing Officer] issued; or
- B. Transfer of title of the single-family dwelling in which the accessory apartment is located; or
- C. Upon a determination by the [Hearing Officer] Zoning Board of Appeals, after a public hearing, [in accordance with § 198-141B,] that the owner, the person having possession and/or occupant(s) of the dwelling unit(s) located within the residence building are guilty of a violation [asset forth in § 198-141A]; or
- D. The permit is terminated by operation of law or order of the court.

§198-145. [Principal residence requirement exception; schedule of fees and surcharges.] Fees for non-owner occupied properties. The following fees shall be payable for properties containing an accessory apartment that are not owner occupied:

- (A) [Upon the approval by the Hearing Officer of an application, the Hearing Officer shall issue the permit upon the payment by the applicant, in addition to any application fees, of the] The sum of four hundred seventy-five (\$475) dollars for each one-year period or part thereof that said permit is in existence.

- (B) The Town Board may from time to time adopt a schedule of reasonable fees and surcharges to be imposed upon applicants for permits authorized by this article.
- (C) Cash security. In addition to the [fees stated above] permit fee, the property owner [, the applicant for a principal residence requirement exception] shall also post the sum of one thousand (\$1,000) dollars cash security for each apartment up to five (5) and, for every additional four (4) apartments, or fraction thereof, an additional security of one thousand (\$1,000) dollars with the Comptroller of the Town of Huntington.
- (D) Forfeiture of security. The security will be forfeited under the following conditions:

[(1)] [This cash security shall be forfeited to the Town of Huntington upon the occurrence of any of the following conditions:]

[(a)](1)The [principal residence requirement exception] non-owner occupied permit is revoked[.] ; or

[(b)](2)The premises is not [maintained pursuant to the requirements as contained in] in compliance with the Code of the Town of Huntington, [or the New York State Building and Fire Code] the Fire Code and Property Maintenance Code of the State of New York, the Residential Code of New York State, or rules and regulations of any other agency having jurisdiction[.] ; or

[(c)](3)The [principal residence requirement exception] permit is not renewed and the [premises is not altered to comply with the Code of the Town of Huntington or the New York State Building and Fire Codes] property is not restored or altered to comply with the statutes set forth in (D)(2) above within sixty (60) days after the expiration date of the permit[.] ; or

[(d)](4)The [principal residence requirement exception permit's] term of the permit has expired and the [premises is not altered to comply with the Code of the Town of Huntington or the New York State Building and Fire Codes] property is not restored or altered to comply with the statutes set forth in (D)(2) above within sixty (60) days after the expiration date of the permit.

[(2)] (E) Return of Security. The cash security shall be returned to the [principal residence requirement exception] permit holder upon the occurrence of the following [conditions]:

[(a)](1)The use of the premises is restored to a single-family dwelling [and:] ; is in compliance with the statutes set forth in (D)(2) above; and the permit has been returned to the Accessory Apartment Bureau; or

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[[1]] [The premises has been altered to comply with the Code of the Town of Huntington and/or the New York State Building and Fire Codes for a single-family dwelling; and]

[[2]] [The principal residence requirement exception permit has been returned to the Town of Huntington and canceled.]

[(b)](2) Upon an approved transfer to a [homeowner-occupied] owner-occupied applicant.

[D.](F) The fee for the transfer of [the] a non-owner occupied permit to an owner occupied permit shall be [one hundred twenty-five (\$125)] two hundred and fifty (\$250) dollars, and the fee for the renewal of [the] a non-owner occupied permit shall be [fifty (\$50)] one hundred seventy-five (\$175) dollars.

§198-146. Exemptions.

A. Take Back the Blocks Program.

(1) A not-for-profit agency as defined in § 501(c)(3) of the United States Code, or successor law, who is participating in and satisfies the criteria of the "Take Back the Blocks Program," and the Huntington Community Development Agency may apply for and receive an accessory apartment permit if it lawfully holds title to a single-family structure identified as part of such Program. The application fee and annual permit fee for an accessory apartment shall be waived while the property is owned by the not-for-profit agency or the Huntington Community Development Agency. The lot frontage of the property shall be no less than fifty (50) linear feet. While the property must have a valid certificate of occupancy, the certificate need not be in place for a period of three (3) years as provided in § 198-134(A)(5) and the provisions of § 198-134(A)(8) shall be waived. In all other respects, the requirements of this Article shall be applicable to such properties.

(2) Upon the sale of the property by a qualified not-for-profit agency or the Huntington Community Development Agency to a new owner, the new owner shall be required to apply for a transfer of the accessory apartment permit, except that the Hearing Officer may waive the ninety-day period set forth in this Article. The application fee to transfer the permit and the accessory apartment permit fee for the first year of ownership shall be waived. All properties sold by the not-for-profit agency or the Huntington Community Development Agency shall be occupied by the new owner in accordance with the Accessory Apartment Law in order to qualify for the exemptions.

* * *

§198-147. [Appeals.] (Reserved).

[A.] [All appeals from the determination of the Hearing Officer or from any administrative determination regarding the interpretation of any provision of this chapter

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shall solely be by an Article 78 proceeding without any right or obligation to appeal to the Zoning Board of Appeals. Said appeal must be filed within thirty (30) days of the filing of the Hearing Officer's determination or from the issuance of the administrative determination appealed from.]

[B.] [In adopting Subsection A herein, the Town Board's intention is to exercise its authority pursuant to Municipal Home Rule Law §10 to supersede any inconsistent provision of state law, with particular reference to Town Law § 267-a(4).]

* * *

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section, or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This local law shall take effect immediately upon filing in the Office of the Secretary of the State of New York.

ADDITIONS ARE INDICATED BY UNDERLINE

*** INDICATES NO CHANGE TO PRESENT TEXT

DELETIONS ARE INDICATED BY [BRACKETS]

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DULY ADOPTED.

ENACTMENT: APPROVE A LICENSE AGREEMENT WITH MEALS ON WHEELS OF HUNTINGTON TO USE OFFICE SPACE AT THE JOHN J. FLANAGAN CENTER, LOCATED AT 423 PARK AVENUE, HUNTINGTON, NEW YORK 11743.

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: Supervisor Petrone, **COUNCILMAN MAYOKA** and seconded by: **COUNCILWOMAN BERLAND**

WHEREAS, the Town Board has considered the execution of a license agreement with Meals on Wheels of Huntington to use space at the Town of Huntington property known as the John J. Flanagan Center, located at 423 Park Avenue, Huntington, New York 11743 for administrative offices; and

WHEREAS, the Town of Huntington is desirous of making such space available to Meals on Wheels of Huntington to enable the continued provision of important services to Huntington residents; and

WHEREAS, the execution of a license agreement for this purpose is a Type II action pursuant to 6 N.Y.C.R.R. §617.2(b) and therefore, no further SEQRA review is required.

NOW THEREFORE,

THE TOWN BOARD

Having held a public hearing on the 10th day of January, 2012, at 7:00 PM to consider said agreement, and due deliberation having been had,

HEREBY APPROVES

Entering into a license agreement with Meals on Wheels of Huntington, and authorizes the Supervisor to execute same, for use of office space at the John J. Flanagan Center, 423 Park Avenue, Huntington, New York for the period commencing upon the date of execution by the parties, and expiring on December 31, 2016, for a monthly fee of TWO HUNDRED FIFTY (\$250.00) DOLLARS per month commencing on the date of execution, for the use of office space located at 423 Park Avenue, Huntington and on such other terms and conditions as may be acceptable to the Town Attorney.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION AMENDING TOWN BOARD RESOLUTION 2011-521
SCHEDULING REGULAR MEETINGS OF THE TOWN BOARD OF THE TOWN OF
HUNTINGTON FOR THE YEAR 2012

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILMAN MAYOKA**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, scheduling regular meetings of the Town Board are not actions as defined by 6 NYCRR §617.2 (b) and therefore no further SEQRA review is required.

NOW, THEREFORE

THE TOWN BOARD

HEREBY AMENDS Town Board Resolution 2011-521 scheduling regular meetings of the Town Board of the Town of Huntington, at Town Hall, 100 Main Street, Huntington, New York, for the year 2012, as follows:

7:00 PM

FEBRUARY

[15th] 6th (Monday)

*** INDICATES TO CHANGE TO PRESENT TEXT
DELETIONS ARE INDICATED BY [BRACKETS].
ADDITIONS ARE INDICATED BY UNDERLINE.

VOTE: AYES: 0 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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RESOLUTION APPROVING WATER SUPPLY AGREEMENT OF GREENLAWN
WATER DISTRICT FOR THE INSTALLATION OF WATER MAINS IN FILED MAP
KNOWN AS BROWN MEADOWS.

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

and seconded by: **SUPERVISOR PETRONE**

WHEREAS, BAB Realty, LLC, is the owner in fee of one of the parcels of real property constituting the property described on the subdivision map known as filed map number 11724, "Map of Brown Meadows," filed on September 30, 2009, located wholly within the Greenlawn Water District and is seeking to enter into a water supply agreement with the Greenlawn Water District for the installation of water mains and appurtenances in and under property within the property described in "Map of Brown Meadows," and

WHEREAS, the Commissioners of the Greenlawn Water District have previously approved said agreement; and

WHEREAS, approval of the Town Board is necessary under provisions of New York State Law; and

WHEREAS, the extension of water supply infrastructure to render service in an approved subdivision is a Type II action pursuant to 6 N.Y.C.R.R. §617.2(b) and therefore, no further SEQRA review is required.

NOW, THEREFORE

BE IT RESOLVED

The TOWN BOARD HEREBY APPROVES a Water Supply Agreement between the Greenlawn Water District and BAB Realty, LLC for the installation of water main and appurtenances in and under property located in Greenlawn, Town of Huntington, County of Suffolk, State of New York, known as filed map number 11724, "Map of Brown Meadows," filed on September 30, 2009, and authorized the Supervisor of the Town of Huntington to execute the agreement.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilwoman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

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RESOLUTION RESCHEDULING A PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW INTRODUCTORY NUMBER 2-2012, AMENDING LOCAL LAW NO. 37-2006 SO AS TO REVOKE ALL OF THE COVENANTS AND RESTRICTIONS PREVIOUSLY RECORDED AGAINST PROPERTIES BEARING SCTM# 0400-027-02-(012.001, 012.002, 012.003, 012.004 & 012.005) AS PART OF ZONE CHANGE APPLICATION #2006-ZM-362 OF DML PROPERTIES, LLC, AND REESTABLISHING COVENANTS AND RESTRICTIONS FOR PROPERTIES LOCATED ON THE SOUTHWEST CORNER OF NEW YORK AVENUE (ROUTE 110) AND HILL PLACE AND THE EAST SIDE OF CREEK ROAD, HUNTINGTON, BEARING SCTM# 0400-027-02-012.002 & 012.003.

Resolution for Town Board Meeting dated: January 10, 2012

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by: **COUNCILMAN MAYOKA**

WHEREAS, the zone change application of DML Properties, LLC, #2006-ZM-362, was approved by the Town Board on September 26, 2006 subject to the filing of a Declaration of Covenants and Restrictions on property formerly identified by SCTM# 0400-027-02-012.001; and

WHEREAS, a Declaration of Covenants and Restrictions was filed on January 18, 2007 in Liber 12487 Page 727 in accordance with the Town Board Resolution; and

WHEREAS, a Declaration of Covenants and Restrictions was filed on January 4, 2008 in Liber 12536 Page 101 against property formerly identified by SCTM# 0400-0400-02-012.001 concerning the trail easement on the property; and

WHEREAS, a Declaration of Covenants and Restrictions was filed on May 27, 2009 in Liber 12589 Page 160 against SCTM# 0400-02-(012.002, 012.003, 012.004 and 012.005) concerning the bridge design, construction, and maintenance; and

WHEREAS, the property owner has petitioned the Town Board to remove two of the covenants relating to the sale price of three townhouses that were designated for affordable housing and the provision of a garage for each townhouse unit, since the site plan is changing as a result of a proposed change from ownership units to rental units; and

WHEREAS, these covenants will be modified to retain three affordable housing units and sufficient parking, and the existing covenants that still apply to the proposed development will be retained; and

WHEREAS, following the approval of the zone change application, the Town of Huntington Planning Board granted final subdivision approval to the Map of DML

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Properties, LLC Plat, which subdivided SCTM# 0400-027-02-012.001 into a residential lot (SCTM# 0400-027-02-012.002) which is the direct subject of this petition, a commercial lot (SCTM# 0400-027-02-012.003), and two small parcels that will be dedicated to the Town of Huntington for road widening (SCTM# 0400-027-02-012.004 & 012.005); and

WHEREAS, Town Board Resolution 2011-583 (Local Law Introductory No. 35-2011) scheduled a public hearing on February 15, 2012 to consider the petition to amend the covenants, but that meeting will be cancelled; and

WHEREAS, pursuant to the SEQRA regulations, the scheduling of a public hearing to consider amending the Code of the Town of Huntington is not an action, so the SEQRA review is not required to be completed at this time;

NOW THEREFORE THE TOWN BOARD

HEREBY RESCHEDULES a public hearing for the 13th day of March, 2012, at 7:00 PM at Huntington Town Hall, New York, to consider adopting Local Law Introductory Number 2-2012, amending Local Law No. 37-2006 so as to revoke all of the Covenants and Restrictions previously recorded against SCTM# 0400-027-02-(012.001, 012.002, 012.003, 012.004 and 012.005) as part of zone change application #2006-ZM-362 of DML Properties, LLC, and reestablishing Covenants and Restrictions for SCTM# 0400-027-02-012.002 & 012.003 as follows:

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HUNTINGTON, AS FOLLOWS:

LOCAL LAW INTRODUCTORY NO. 2-2012

AMENDING LOCAL LAW NO. 37-2006 SO AS TO REVOKE ALL OF THE COVENANTS AND RESTRICTIONS PREVIOUSLY RECORDED AGAINST SCTM# 0400-027-02-(012.001, 012.002, 012.003, 012.004 & 012.005) AS PART OF ZONE CHANGE APPLICATION #2006-ZM-362 OF DML PROPERTIES, LLC, AND REESTABLISHING COVENANTS AND RESTRICTIONS AGAINST THE PROPERTIES BEARING SCTM #0400-027-02-012.002 & 012.003, AS FOLLOWS:

Section 1. Amendment to Local Law No. 37-2006 deleting all existing Covenants and Restrictions and reestablishing Covenants and Restrictions, as follows:

(1) The following restrictions shall be imposed against the residential lot known by SCTM# 0400-027-02-012.002 (formerly p/o SCTM# 0400-027-02-012.001):

(a) All prior restrictive covenants and restrictions are hereby revoked; and

(b) All residential buildings shall be limited to two stories in height and no unit shall be more than 2,200 sq. ft. in size; and

- (c) Three affordable housing units shall be provided in the proposed development, and all dwelling units designated as affordable units, whether sold, resold or leased, shall remain subject to the provisions of §198-13(I) or successor law, in all respects and in perpetuity. All affordable units shall be monitored for compliance by the Community Development Agency as specified in §198-13(I); and
- (d) Conditions of the change of zone set forth in §198-13(I)(3) shall be specifically set forth in the Covenants and Restrictions to be executed and filed by the applicant.
- (e) The property shall contain at least two parking spaces per unit; and
- (f) The applicant shall install brick paver sidewalks, benches, and antique-style lighting, and such other pedestrian improvements on site and in the adjacent right-of-ways where deemed appropriate by the Planning Board during site plan review; and
- (g) The applicant shall provide a trail easement enabling public access alongside the stream as part of the project's park reservation requirements under Town Law §274-a(6), or other applicable or successor law, and shall construct the trail improvements to meet the requirement for a parkland dedication or fee in lieu payable to the Town; and
- (h) All refuse generated on-site shall be disposed of at the Town Resource Recovery Facility; and
- (i) The stream corridor and soils shall be remediated by the applicant at its own cost and expense in accordance with NYSDEC and SCDHS standards; and
- (j) The applicant shall submit architectural renderings of the project for the Planning Board's review and approval. The renderings shall include elevations showing front, side, and rear architectural features. The submission shall include descriptions of building materials, colors, and any other architectural amenities to be incorporated into the design; and
- (k) All improvements on Hill Place shall be completed before the issuance of building permits for the residential units proposed for construction on Creek Road; and
- (l) The applicant shall obtain the necessary permits and approvals from all agencies having jurisdiction, and shall comply with the provisions of all applicable laws, rules, statutes, and regulations, including the Huntington Town Code; and
- (2) The following restrictions shall be imposed against the commercial lot known by SCTM# 0400-027-02-012.003 (formerly p/o SCTM# 0400-027-02-012.001):

- (a) All prior restrictive covenants and restrictions are hereby revoked; and
- (b) The road and bridge on Hill Place shall be reconstructed by the property owner, its successors and/or assigns, at its own cost and expense, and the owner shall install brick paver sidewalks, benches, and antique-style lighting, and such other pedestrian improvements on site and in the adjacent right-of-ways where deemed appropriate by the Planning Board during site plan review; and
- (c) The stream corridor and soils shall be remediated by the property owner, its successors and/or assigns, at its own cost and expense in accordance with NYSDEC and SCDHS standards; and
- (d) The property owner, its successors and/or assigns, shall submit architectural renderings of the project for the Planning Board's review and approval. The renderings shall include elevations showing front, side, and rear architectural features. The submission shall include descriptions of building materials, colors, and any other architectural amenities to be incorporated into the design; and
- (e) The property owner, its successors and/or assigns, shall obtain the necessary permits and approvals from all agencies having jurisdiction, and shall comply with the provisions of all applicable laws, rules, statutes, and regulations, including the Huntington Town Code; and
- (f) DML Properties, its successors and/or assigns, shall design and construct a public bridge over the existing creek on Hill Place, including improvements to abutting roadways as are necessary to safely accommodate the proposed bridge. Said design shall first be approved by the Town of Huntington and the New York State Department of Transportation, and shall incorporate NYSDOT requirements for the Route 110 drainage project and the requirements of the Huntington Sewer District for the replacement or extension of the main on Hill Place; and
- (g) DML Properties, its successors and/or assigns, shall pave the surface of the bridge and all entrances thereto to the satisfaction of the Town of Huntington and all agencies having jurisdiction; and
- (h) The Town of Huntington shall be the title owner of all completed improvements and shall use the same as a public roadway for vehicular and pedestrian travel; and
- (i) Upon completion of all paving and improvements, DML Properties, its successors and/or assigns, shall repair and maintain the bridge and its infrastructure in a safe and proper condition for vehicular and pedestrian travel, except that regular maintenance operations of the road surface of Hill Place (sanding, plowing, grading, and paving) shall remain the responsibility of the Town of Huntington, in accordance with the applicable provisions of General Municipal Law, Town Law, and Highway Law of the State of New York; and

- (j) DML Properties, its successors and/or assigns, shall pay for the services of all outside consultants retained by the Town of Huntington to review the design of the bridge, and to conduct such tests and inspections as deemed necessary by the Town. DML Properties, L.L.C. , its successors and/or assigns, shall deposit with the Town an amount to be determined by the Director of Engineering Services for the purpose of reimbursing the Town for the services of its outside consultants. Additional security for such services may be requested by the Director, as circumstances warrant; and
- (k) DML Properties, its successors and/or assigns, shall provide for engineering inspections of the bridge and its appurtenances by consultants of the Town's choice, as required by the Town, in perpetuity, at no cost to the Town, and shall repair any damage and maintain the improvements to the satisfaction of the Town; and
- (l) All improvements on Hill Place shall be completed before the issuance of building permits for the residential units proposed for construction on Creek Road; and
- (m) All improvements shall be completed to the satisfaction of the Town of Huntington, the New York State Department of Transportation, and all agencies having jurisdiction, including such consultants as may be determined by the State of New York, Town of Huntington, and the Huntington Sewer District in connection with the extension of a sewer main and/or upgrade of sewer facilities on Hill Place; and
- (n) DML Properties, L.L.C. shall hold harmless and indemnify the Town of Huntington, its agents, servants, and employees, from and against any and all claims for damage to property or persons, including reasonable attorney fees, arising out of or in connection with the use and occupancy of Hill Place, Creek Road, and other locations by DML, its agents, servants, and/or assigns, during construction of the improvements; and
- (o) DML Properties, L.L.C. shall hold harmless and indemnify the Town of Huntington, its agents, servants, and employees, from and against any and all claims for damage to property or persons, including reasonable attorney fees, arising out of or in connection with the design, construction, and use of the bridge and its infrastructure by the traveling public; and
- (p) DML shall, at its own cost and expense, secure a Comprehensive General Liability Insurance Policy in the amount of \$1,000,000.00, naming the Town of Huntington and Huntington Sewer District as additional insureds by endorsement. A Certificate of Insurance evidencing such coverage and providing proof that the Town and sewer district is an additional insured shall be provided by DML to the Town upon the execution of the maintenance agreement. Said coverage shall remain in full force and effect during construction of the improvements and for the term of the maintenance agreement; and

- (3) The following restrictions shall be imposed against the commercial lot known by SCTM# 0400-027-02-012.003 and the residential lot known by SCTM# 0400-027-02-012.002 (formerly p/o SCTM# 0400-027-02-012.001):
- (a) These covenants and restrictions shall run with the land and shall be binding upon the property owners, their heirs, successors and/or assigns; and
 - (b) These covenants and restrictions shall enure to the benefit of, and be enforceable by, the Town of Huntington; and
 - (c) No portion of the Covenants and Restrictions may be modified, altered, amended, annulled or repealed except by action of the Huntington Town Board; and
- (4) The following restrictions shall be imposed against the lots known by SCTM# 0400-027-02-012.004 & 012.005 (formerly p/o SCTM# 0400-027-02-012.001):
- (a) All prior restrictive covenants and restrictions are hereby revoked.

These modifications are subject to the filing of the Covenants and Restrictions set forth herein. All such Covenants and Restrictions to be submitted to the Town Attorney by the applicant for approval as to form and substance prior to filing, and upon such approval, to be filed in the Office of the Suffolk County Clerk at the owner or applicant's sole cost and expense. Proof of such filing shall be provided by the applicant to the Town Attorney, Director of Planning and Huntington Town Clerk.

All such Covenants and Restrictions shall be in addition to such terms and conditions as deemed necessary by the Town Attorney to assure compliance with the Covenants.

Section 2. Severability

If any clause, sentence paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, or invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date

This Local Law shall take effect immediately upon filing in the Offices of the Secretary of State of New York.

*** INDICATES NO CHANGE TO PRESENT TEXT.
 ADDITIONS ARE INDICATED BY UNDERLINE.
 DELETIONS ARE INDICATED BY [BRACKETS].

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VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

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RESOLUTION ACCEPTING THE DONATION OF THE RESTORATION OF THE
SUPERVISOR'S CHAIN OF OFFICE BY LIBUTTI DIAMOND JEWELERS OF
HUNTINGTON

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **SUPERVISOR PETRONE**

and seconded by **COUNCILMAN MAYOKA**

WHEREAS, the Town Supervisor traditionally wears a ceremonial Chain of Office made of Wampum and Medallions which connects the Town of Huntington with the Native American Culture and the American Revolution and is housed in the Town Clerk's Archives; and

WHEREAS, the Supervisor's Chain of Office has undergone extreme wear through many years of use and has been in need of repair; and

WHEREAS, Libutti Diamond Jewelers of Huntington was proud to have taken on the task of restoring The Supervisor's Chain of Office by remounting nine individual medallions in sterling silver custom made coin holders linked to each other by hand fabricated silver rings, waiving the initial cost of \$3,700.00; and

WHEREAS, the description of the Chain of Office is attached as Exhibits A and B; and

WHEREAS, the acceptance of this donation is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and therefore, no further SEQRA review is required.

NOW, THEREFORE,

THE TOWN BOARD

HEREBY ACCEPTS the donation of the restoration of the Supervisor's Chain of Office from Libutti Diamond Jewelers of Huntington and thanks them for their generosity.

VOTE: AYES: 5 NOES: 0 ABSENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Councilman Mark A. Cuthbertson	AYE
Councilman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

The Supervisor's Chain of Office

The Supervisor's Chain of Office is housed in the Huntington Town Clerk's Archives. The Chain of Office consists of a wampum belt, four pairs of 1 1/2" medallions and one 3" medallion.



The first pair of medallions depicts a colonial soldier on one side and a serpentine design on the reverse. The third pair has the Huntington Town Seal on one side and a commemorative medal for Huntington Patriot John Sloss Hobart on the reverse. The fourth pair contains the Huntington Coat of Arms on one side and a commemorative medal for American Martyr Nathan Hale.

The large medallion depicts George Washington on one side and on the reverse the words "Peace" and "Friendship" with crossed pipe and axe and a pair of hands shaking.



Exhibit B



A long History

Chains of office or “necklets” are one of the oldest symbols of authority. They have been worn as early as the days of the Roman Empire and displayed by emperors, kings, pharaohs, and religious figures as physical representations of their power and position.

In their formal portraits, both Napoleon and Henry the 8th were pictured wearing these symbols.

The tradition of the chain of office was passed down through the Middle Ages and coincided with the rise of the university system in Europe.

Huntington Township’s Supervisor’s Chain of Office

The Supervisor’s Chain of Office, housed in the Town Clerk’s archives and worn by the Town Supervisor at special occasions, represents one of the ways we celebrate our history and proud traditions.

Libutti Diamond Jewelers is proud to have taken on the task of restoring The Supervisor’s Chain of Office for the Town of Huntington. As merchant residents of Huntington Village since 1943, it is our honor to be able to show our gratitude to this wonderful community in which we work and reside. Please consider this gift to Huntington as a show of our appreciation.

The restoration of the Supervisor’s Chain of Office centered on the remounting of nine individual medallions in sterling silver custom made coin holders linked to each other by hand fabricated silver rings. A wampum belt completes the circle. This ancient historic artifact honors Huntington’s heros of the revolutionary war, our early connection with the Matinecock Indians, and reminds us of the sacrifices of our Huntingtonian ancestors.

The value of the of the restoration is: \$3,700.00

Libutti Diamond Jewelers 336 New York Ave, Huntington, NY 11743 (631) 427-0126

RESOLUTION AUTHORIZING THE EXTENSION/RETENTION OF OUTSIDE
LEGAL COUNSEL (J. STEWART MOORE, P.C. AND ELLEN SCHAFFER, ESQ.)

Resolution for Town Board Meeting Dated: January 10, 2012

The following resolution was offered by: **COUNCILMAN CUTHBERTSON**

And seconded by: **SUPERVISOR PETRONE**

WHEREAS, the Town of Huntington desires to restructure agreements for legal consulting services to better serve the needs of the Town Board and Town Attorney; and

WHEREAS, it would be in the best interest of the Town to continue and/or retain the legal services of J. Stewart Moore, P.C. and Ellen Schaffer, Esq. to assist the Office of the Town Attorney and to assist and advise the Town Board on matters including, but not limited to enforcement proceedings, general liability, land use, real estate and personal injury litigation and

WHEREAS, the extension and/or retention of legal representation is not an action as defined by 6 N.Y.C.R.R. §617.2(b) and, therefore, no further SEQRA review is required.

NOW, THEREFORE THE TOWN BOARD

HEREBY AUTHORIZES the extension/retention of the legal services of J. Stewart Moore, P.C., 320 Carleton Avenue, Suite 3300, Central Islip, New York 11722 and Ellen Schaffer, Esq., 6 Cold Spring Lane, Huntington, New York 11743, for the year 2012 to assist the Town Attorney and Huntington Town Board in such matters as may be referred to them by the Town Attorney, including but not limited to, real estate transactions, general litigation, negligence, criminal prosecutions, land use and enforcement proceedings at a cost not to exceed, in each case, the amount of THIRTY THOUSAND AND NO/100 (\$30,000.00) DOLLARS; to be charged to Operating Budget Line Item No. A 1420-4551 (Outside Professional-Legal) and on such other terms and conditions as may seem acceptable to the Town Attorney; and

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

Supervisor Frank P. Petrone	AYE
Councilwoman Susan A. Berland	AYE
Councilman Eugene Cook	AYE
Mark A. Cuthbertson	AYE
Councilwoman Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED

RESOLUTION RESCHEDULING A PUBLIC HEARING TO CONSIDER THE ISSUANCE OF
A SPECIAL USE PERMIT UNDER CHAPTER 137 (MARINE CONSERVATION)

APPLICANT: BARBARA RAISCH

ON BEHALF OF EATON HARBORS CORP.

LOCATION: SOUTH END OF BEACH RD., EATON'S NECK, N.Y. 11768

S.C.T.M. # 400-005.00-05.00-001.000

Resolution for Board of Trustees Meeting Dated: January 10, 2011

The following resolution was offered by: **TRUSTEE BERLAND**

and seconded by: **TRUSTEE COOK**

WHEREAS, pursuant to Chapter 137, the Marine Conservation Law of the Town of Huntington,
an application for a special use permit has been submitted by

Barbara Raisch

On behalf of

Eaton Harbors Corp.

P.O. Box 474

Northport, N.Y. 11768

to legalize repair/resurfacing made to an existing boat ramp (use by club members only) with
concrete cap at Eaton Harbors Corp. property located on the west side of the southern most end of
Beach Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. # 0400-005.00-05.00-001.000; and

WHEREAS, the scheduling of a public hearing is not an action as defined by 6 NYCRR
§617.2(b) and therefore no further SEQRA review is required at this time for the scheduling said
public hearing.

NOW, THEREFORE

THE BOARD OF TRUSTEES

HEREBY SCHEDULES a public hearing for the **6th** day of **February**, 2012, at **7:00**
pm at Town Hall, 100 Main Street, Huntington, New York 11743, to consider the issuance of a
special use permit to Eaton Harbors Corp. to legalize repair/resurfacing made to an existing boat
ramp (use by club members only) with concrete cap at Eaton Harbors Corp. property located on the
west side of the southern most end of Beach Rd., Eaton's Neck, N.Y. 11768 S.C.T.M. # 0400-
005.00-05.00-001.000.

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Eugene Cook	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

ENACTMENT: APPROVE THE ISSUANCE OF A SPECIAL USE PERMIT UNDER
CHAPTER 137 (MARINE CONSERVATION)

APPLICANT: DONNA MYERS

LOCATION: 32 HAWKINS DR., NORTHPORT

S.C.T.M. #: 0404-001.00-01.00-012.000

Resolution for Board of Trustees Meeting Dated: January 10, 2012

The following resolution was offered by: **TRUSTEE BERLAND**

and seconded by: **TRUSTEE COOK**

WHEREAS, pursuant to Chapter 137, the Marine Conservation Law of the Town of
Huntington, an application for a special use permit has been submitted by

Shore Solutions Inc.

On behalf of

Randall & Antoinette Lico

32 Hawkins Dr.

Northport, N.Y. 11768

to replace existing timber (navy style) bulkhead with new vinyl (navy style) bulkhead in-
place and six (6) inches higher, replace access platform & steps to shoreline and backfill
new structure with up to 160 cubic yards of clean fill at 32 Hawkins Dr., Northport, N.Y.
11768, S.C.T.M. # 0404-001.00-01.00-012.000; and

WHEREAS, this action is classified as an unlisted action pursuant to the State
Environmental Quality Review Act (SEQRA) and the Town Board has been established
as lead agency for this action; and

WHEREAS, upon review of the Environmental Assessment Form, submitted by the
applicant, and by the SEQRA review prepared by the Town Department of Maritime
Services, it has been determined that no potentially adverse environmental impacts are
posed by the pending action, providing the conditions requested by the Department of
Maritime Services are adhered to.

NOW, THEREFORE

THE BOARD OF TRUSTEES, having held a public hearing on the 13th day of December,
2011, to consider the issuance of a special use permit to Randall & Antoinette Lico to
replace existing timber (navy style) bulkhead with new vinyl (navy style) bulkhead in-
place and six (6) inches higher, replace access platform & steps to shoreline and backfill
new structure with up to 160 cubic yards of clean fill at 32 Hawkins Dr., Northport, N.Y.
11768, S.C.T.M. # 0404-001.00-01.00-012.000; and due deliberation being had;

HEREBY RESOLVES, that based upon the review of the Environmental Assessment
Form (EAF), submitted by the applicant, and the SEQRA review prepared by the Town

Department of Maritime Services, the issuance of the permit does not pose a significant adverse environmental impact, provided that the conditions requested by the Department of Maritime Services are adhered to, and hereby issues a negative declaration; and

HEREBY APPROVES the issuance of a Special Use Permit under Chapter 137 of the Code of the Town of Huntington to Randall & Antoinette Lico to replace existing timber (navy style) bulkhead with new vinyl (navy style) bulkhead in-place and six (6) inches higher, replace access platform & steps to shoreline and backfill new structure with up to 160 cubic yards of clean fill at 32 Hawkins Dr., Northport, N.Y. 11768, S.C.T.M. # 0404-001.00-01.00-012.000: subject to the following conditions:

- 1) Applicant must notify the Dept. of Engineering Services, Dept. Of Maritimes Services and the Harbor Masters office 48 hours prior to the commencement of any construction/demolition activities. Notification shall be in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743 and separate facsimile transmissions at (631) 351-3373, (631) 351-3132 and (631) 425-0621
- 2) All construction equipment, vehicles and materials shall access the project site via the applicant's own property. No construction equipment, vehicles or material deliveries shall transverse adjacent properties.
- 3) All construction activities on the seaward side of the existing and/or proposed bulkhead must be completed during periods of low tide to eliminate any potential for turbidity to impact the surrounding waterway
- 4) All activities must be conducted in conformance with the approved New York State DEC Tidal Wetlands Permit and associated approved plans.
- 5) The applicant is responsible for obtaining and adhering to all necessary Federal, State and locale permits
- 6) All construction equipment, vehicles and materials must be stored/operated upland of any tidal/inter-tidal wetlands areas.
- 7) All necessary precautions shall be taken to preclude contamination of wetlands or waterways by construction debris, suspended solids, sediments, fuel, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with this project.
- 8) There will be no disturbance to the vegetated tidal wetlands or protected areas as a result of the proposed activity.
- 9) Upon the completion of the activity, all construction debris shall be removed from the site and property disposed of at a state approved disposal area.

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- 10) All required Town of Huntington inspections are scheduled at appropriated intervals during the course of demolition/construction.
- 11) All fill shall be "clean" sand free of asphalt, concrete or any other construction debris.
- 12) The applicant, owner and their duly authorized representatives (such as contractors, sub-contractors and work-force) are required to adhere to the construction plans, methodology and/or terms/conditions approved by the Town of Huntington, Dept. of Engineering Services, Dept. Of Maritimes Services and the Town Attorneys Office.
- 13) The Town of Huntington, prior to the commencement of activities as included in the issued permit must approve any modification or deviation from the approved plans, methodology and/or terms/conditions.
- 14) Upon completion of the project the applicant must notify the Dept. of Engineering Services and the Dept. Of Maritimes Services in writing to each department at 100 Main St., Town Hall, Huntington, N.Y. 11743

VOTE: AYES: 5 NOES: 0 ABSTENTIONS: 0

President Frank P. Petrone	AYE
Trustee Susan A. Berland	AYE
Trustee Eugene Cook	AYE
Trustee Mark A. Cuthbertson	AYE
Trustee Mark Mayoka	AYE

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED